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JANUARY, 3, 1990

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, January 3, 1990 at 5:00 p.m. in a Special Meeting.

CONSIDERATION OF MOTION FOR DISMISSAL ON
DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR
FRANK C. MCCOY, INVESTIGATIONS BUREAU - HOMICIDE
SECTION

APR 30 1990

The hearing on the consideration of Motion for Dismissal on disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been set for this date.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, giving oral arguments as to why charges should not be dismissed.

The following defense attorneys gave opening statements giving oral arguments to support their written Motion for Dismissal of Charges:

Mr. Stephen Bley, Ms. Carole Seliger, Mr. John Prentice
and Mr. James Lassart

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1-90

DECISION ON MOTION FOR DISMISSAL ON DISCIPLINARY
CHARGES FILED AGAINST POLICE INSPECTOR FRANK C.
MCCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

RESOLVED, that it is the unanimous decision of the Police Commission that the charges filed against Police Inspector Frank C. McCoy is hereby dismissed.

Thereafter, Commissioner Giraudo asked his fellow Commissioners if any of them had comments in respect to the final findings.

The only Commissioner to comment was Commissioner Craig whose comments were as follows:

This is not just another case, not just another disciplinary hearing. It reverberates with issues that have haunted us all - Black, Brown, Asian, lesbian and gay. It is about equal protection, it is about fairness, it is about a just response from the police force we depend upon to protect us and keep us safe.

Some will say that because this case is weighed with those issues, that our response to it should also be weighed with our abhorrence of those practices. I accept that, that is, in fact so. In examining these charges, this

Commission has delved deeper, heard more testimony, taken longer to study the facts, because we do respect the significance and weight of the issues which surround this case.

What I cannot accept, however, is that we ought to be anything other than fair and just, even in cases where there has been unfairness and injustice. That is our mandate. And that is also what we must do if we are to honor the justice we ask for. Wrong means never end up in right results.

Issues of fairness must stand or fall on facts, not on assumptions about attitude or prejudice. There can be no dividing line between doing what is right on the merits and what is good politics for any community. I will not cast a vote for political purposes, to satisfy any claim but the claim of justice itself.

As a Black woman, and as a lesbian, I have too often seen actions spurred by putting prejudicial assumptions over fact to make that same error myself. I would try to save us from that error, even in cases in which, as this one does, issues about the administration of justice and equal protection are tantamount and call forth years of experience with questionable judgments of the past. Such charges have not been proved in this case, and I will not cast a vote that pretends that it has -- either to balance past injustices or to balance ongoing ones.

The presence of those who brought these charges would not have changed the outcome of this but it would have meant that those who initiated this process stayed to witness its results. I regret that this has not happened, but I understand that, in a community with so many crises before it, this is sometimes not possible. Indeed, the individual who spurred the OCC complaint, Bill Paul, is himself dead now -- 20 months after this began. Defendants are fully entitled to avail themselves of all legal processes, though in this case, their tactics have delayed this results past one lifetime too many.

If we cause these four officers before us today to pay for the injustice and unfair treatment we know to exist in the enforcement of laws, then we make them victims of injustice at our own hands. We must not match injustice with another injustice. Perhaps some would not blink to do so, but it would offend my own personal sense of morality.

Other issues have arisen as a result of this case. By attempting to prove the inadequacies of police investigatory practices in the Smoot matter, the OCC has laid bare the inadequacies of their own investigatory skills. This can be seen as a positive result if it causes this Commission and this department to take steps now to increase the OCC's competence and increase the public's confidence in their work.

We have heard in the past, in particular from the Mayor, proposals to strengthen one aspect of the OCC: by having it report directly on sustained charges to this Commission rather than through the Chief. I agree with the Mayor on that proposal, and plan at the next possible Commission meeting to propose a policy statement from us endorsing the Mayor's proposal.

As a result of this case, I will also ask that this Commission expand our agenda to include strengthening the OCC's investigatory capabilities. I will suggest the establishment of a committee to provide Commission input on other proposals regarding OCC reform and OCC strengthening.

At the same time, I believe that this Commission must move actively to address the concerns raised by the Human Rights Commission and the Board of Supervisors on matters relative to the OCC and other management issues. The committee I will suggest should also undertake a formal review and provide a public response to the issues raised by these official bodies.

In dismissing these charges, we are saying the OCC investigation and the subsequent disciplinary hearing failed to satisfy our need to know the facts. Fairness dictates that we do not prolong a charade that is clearly incapable of bringing the necessary facts to light. And so, out of fairness, I cast my vote to dismiss these charges. But out of a sense of justice, I will not let this close the chapter on our inability to restore public confidence that this department has acted in a way that respects the dignity of each and every person.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

CONSIDERATION OF MOTION FOR DISMISSAL ON
DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR
MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE
SECTION

The hearing on the consideration of Motion for Dismissal on disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been set for this date.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, giving oral arguments as to why charges should not be dismissed.

The following defense attorneys gave opening statements giving oral arguments to support their written Motion for Dismissal of Charges:

Mr. Stephen Bley, Ms. Carole Seliger, Mr. John Prentice and Mr. James Lassart

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 2-90

DECISION ON MOTION FOR DISMISSAL ON DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

RESOLVED, that it is the unanimous decision of the Police Commission that the charges filed against Police Inspector Marvin V. Dean is hereby dismissed.

Thereafter, Commissioner Giraudo asked his fellow Commissioners if any of them had comments in respect to the final findings.

The only Commissioner to comment was Commissioner Craig whose comments were as follows:

This is not just another case, not just another disciplinary hearing. It reverberates with issues that have haunted us all - Black, Brown, Asian, lesbian and gay. It is about equal protection, it is about fairness, it is about a just response from the police force we depend upon to protect us and keep us safe.

Some will say that because this case is weighed with those issues, that our response to it should also be weighed with our abhorrence of those practices. I accept that, that is, in fact so. In examining these charges, this Commission has delved deeper, heard more testimony, taken longer to study the facts, because we do respect the significance and weight of the issues which surround this case.

What I cannot accept, however, is that we ought to be anything other than fair and just, even in cases where there has been unfairness and injustice. That is our mandate. And that is also what we must do if we are to honor the justice we ask for. Wrong means never end up in right results.

Issues of fairness must stand or fall on facts, not on assumptions about attitude or prejudice. There can be no dividing line between doing what is right on the merits and what is good politics for any community. I will not cast a vote for political purposes, to satisfy any claim but the claim of justice itself.

As a Black woman, and as a lesbian, I have too often seen actions spurred by putting prejudicial assumptions over fact to make that same error myself. I would try to save us from that error, even in cases in which, as this one does, issues about the administration of justice and equal protection are tantamount and call forth years of experience with questionable judgments of the past. Such charges have not been proved in this case, and I will not cast a vote that pretends that it has -- either to balance past injustices or to balance ongoing ones.

The presence of those who brought these charges would not have changed the outcome of this case, but it would have meant that those who initiated this process stayed to witness its results. I regret that this has not happened, but I understand that, in a community with so many crises before it, this is sometimes not possible. Indeed, the individual who spurred the OCC complaint, Bill Paul, is himself dead now -- 20 months after this began. Defendants are fully entitled to avail themselves of all legal processes, though in this case, their tactics have delayed this results past one lifetime too many.

If we cause these four officers before us today to pay for the injustice and unfair treatment we know to exist in the enforcement of laws, then we make them victims of injustice at our own hands. We must not match injustice with another injustice. Perhaps some would not blink to do so, but it would offend my own personal sense of morality.

Other issues have arisen as a result of this case. By attempting to prove the inadequacies of police investigatory practices in the Smoot matter, the OCC has laid bare the inadequacies of their own investigatory skills. This can be seen as a positive result if it causes this Commission and this department to take steps now to increase the OCC's competence and increase the public's confidence in their work.

We have heard in the past, in particular from the Mayor, proposals to strengthen one aspect of the OCC: by having it report directly on sustained charges to this Commission rather than through the Chief. I agree with the Mayor on that proposal, and plan at the next possible Commission meeting to propose a policy statement from us endorsing the Mayor's proposal.

As a result of this case, I will also ask that this Commission expand our agenda to include strengthening the OCC's investigatory capabilities. I will suggest the establishment of a committee to provide Commission input on other proposals regarding OCC reform and OCC strengthening.

At the same time, I believe that this Commission must move actively to address the concerns raised by the Human Rights Commission and the Board of Supervisors on matters relative to the OCC and other management issues. The committee I will suggest should also undertake a formal review and provide a public response to the issues raised by these official bodies.

In dismissing these charges, we are saying the OCC investigation and the subsequent disciplinary hearing failed to satisfy our need to know the facts. Fairness dictates that we do not prolong a charade that is clearly incapable of bringing the necessary facts to light. And so, out of fairness, I cast my vote to dismiss these charges. But out of a sense of justice, I will not let this close the chapter on our inability to restore public confidence that this department has acted in a way that respects the dignity of each and every person.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

CONSIDERATION OF MOTION FOR DISMISSAL ON
DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR
WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL
WORK SECTION

The hearing on the consideration of Motion for Dismissal on disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been set for this date.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, giving oral arguments as to why charges should not be dismissed.

The following defense attorneys gave opening statements giving oral arguments to support their written Motion for Dismissal of Charges:

Mr. Stephen Bley, Ms. Carole Seliger, Mr. John Prentice
and Mr. James Lassart

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 3-90

DECISION ON MOTION FOR DISMISSAL ON DISCIPLINARY
CHARGES FILED AGAINST POLICE INSPECTOR WILLIAM F.
KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

RESOLVED, that it is the unanimous decision of the Police Commission that the charges filed against Police Inspector William F. Kidd is hereby dismissed.

Thereafter, Commissioner Giraudo asked his fellow Commissioners if any of them had comments in respect to the final findings.

The only Commissioner to comment was Commissioner Craig whose comments were as follows:

This is not just another case, not just another disciplinary hearing. It reverberates with issues that have haunted us all - Black, Brown, Asian, lesbian and gay. It is about equal protection, it is about fairness, it is about a just response from the police force we depend upon to protect us and keep us safe.

Some will say that because this case is weighed with those issues, that our response to it should also be weighed with our abhorrence of those practices. I accept that, that is, in fact so. In examining these charges, this Commission has delved deeper, heard more testimony, taken longer to study the facts, because we do respect the significance and weight of the issues which surround this case.

What I cannot accept, however, is that we ought to be anything other than fair and just, even in cases where there has been unfairness and injustice. That is our mandate. And that is

also what we must do if we are to honor the justice we ask for. Wrong means never end up in right results.

Issues of fairness must stand or fall on facts, not on assumptions about attitude or prejudice. There can be no dividing line between doing what is right on the merits and what is good politics for any community. I will not cast a vote for political purposes, to satisfy any claim but the claim of justice itself.

As a Black woman, and as a lesbian, I have too often seen actions spurred by putting prejudicial assumptions over fact to make that same error myself. I would try to save us from that error, even in cases in which, as this one does, issues about the administration of justice and equal protection are tantamount and call forth years of experience with questionable judgments of the past. Such charges have not been proved in this case, and I will not cast a vote that pretends that it has -- either to balance past injustices or to balance ongoing ones.

The presence of those who brought these charges would not have changed the outcome of this case, but it would have meant that those who initiated this process stayed to witness its results. I regret that this has not happened, but I understand that, in a community with so many crises before it, this is sometimes not possible. Indeed, the individual who spurred the OCC complaint, Bill Paul, is himself dead now -- 20 months after this began. Defendants are fully entitled to avail themselves of all legal processes, though in this case, their tactics have delayed this results past one lifetime too many.

If we cause these four officers before us today to pay for the injustice and unfair treatment we know to exist in the enforcement of laws, then we make them victims of injustice at our own hands. We must not match injustice with another injustice. Perhaps some would not blink to do so, but it would offend my own personal sense of morality.

Other issues have arisen as a result of this case. By attempting to prove the inadequacies of police investigatory practices in the Smoot matter, the OCC has laid bare the inadequacies of their own investigatory skills. This can be seen as a positive result if it causes this Commission and this department to take steps now to increase the OCC's competence and increase the public's confidence in their work.

We have heard in the past, in particular from the Mayor, proposals to strengthen one aspect of the OCC: by having it report directly on sustained charges to this Commission rather than through the Chief. I agree with the Mayor on that proposal, and plan at the next possible Commission meeting to propose a policy statement from us endorsing the Mayor's proposal.

As a result of this case, I will also ask that this Commission expand our agenda to include strengthening the OCC's investigatory

capabilities. I will suggest the establishment of a committee to provide Commission input on other proposals regarding OCC reform and OCC strengthening.

At the same time, I believe that this Commission must move actively to address the concerns raised by the Human Rights Commission and the Board of Supervisors on matters relative to the OCC and other management issues. The committee I will suggest should also undertake a formal review and provide a public response to the issues raised by these official bodies.

In dismissing these charges, we are saying the OCC investigation and the subsequent disciplinary hearing failed to satisfy our need to know the facts. Fairness dictates that we do not prolong a charade that is clearly incapable of bringing the necessary facts to light. And so, out of fairness, I cast my vote to dismiss these charges. But out of a sense of justice, I will not let this close the chapter on our inability to restore public confidence that this department has acted in a way that respects the dignity of each and every person.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

CONSIDERATION OF MOTION FOR DISMISSAL ON
DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR
ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL
WORK SECTION

The hearing on the consideration of Motion for Dismissal on disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been set for this date.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole Seliger, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, giving oral arguments as to why charges should not be dismissed.

The following defense attorneys gave opening statements giving oral arguments to support their written Motion for Dismissal of Charges:

Mr. Stephen Bley, Ms. Carole Seliger, Mr. John Prentice
and Mr. James Lassart

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 4-90

DECISION ON MOTION FOR DISMISSAL ON DISCIPLINARY
CHARGES FILED AGAINST POLICE INSPECTOR ANTONIO L.
CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK
SECTION

RESOLVED, that it is the unanimous decision of the Police Commission that the charges filed against

Police Inspector Antonio L. Casillas is hereby dismissed.

Thereafter, Commissioner Giraudo asked his fellow Commissioners if any of them had comments in respect to the final findings.

The only Commissioner to comment was Commissioner Craig whose comments were as follows:

This is not just another case, not just another disciplinary hearing. It reverberates with issues that have haunted us all - Black, Brown, Asian, lesbian and gay. It is about equal protection, it is about fairness, it is about a just response from the police force we depend upon to protect us and keep us safe.

Some will say that because this case is weighed with those issues, that our response to it should also be weighed with our abhorrence of those practices. I accept that, that is, in fact so. In examining these charges, this Commission has delved deeper, heard more testimony, taken longer to study the facts, because we do respect the significance and weight of the issues which surround this case.

What I cannot accept, however, is that we ought to be anything other than fair and just, even in cases where there has been unfairness and injustice. That is our mandate. And that is also what we must do if we are to honor the justice we ask for. Wrong means never end up in right results.

Issues of fairness must stand or fall on facts, not on assumptions about attitude or prejudice. There can be no dividing line between doing what is right on the merits and what is good politics for any community. I will not cast a vote for political purposes, to satisfy any claim but the claim of justice itself.

As a Black woman, and as a lesbian, I have too often seen actions spurred by putting prejudicial assumptions over fact to make that same error myself. I would try to save us from that error, even in cases in which, as this one does, issues about the administration of justice and equal protection are tantamount and call forth years of experience with questionable judgments of the past. Such charges have not been proved in this case, and I will not cast a vote that pretends that it has -- either to balance past injustices or to balance ongoing ones.

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Other issues have arisen as a result of this case. By attempting to prove the inadequacies of police investigatory practices in the Smoot matter, the OCC has laid bare the inadequacies of their own investigatory skills. This can be seen as a positive result if it causes this Commission and this department to take steps now to increase the OCC's competence and increase the public's confidence in their work.

We have heard in the past, in particular from the Mayor, proposals to strengthen one aspect of the OCC: by having it report directly on sustained charges to this Commission rather than through the Chief. I agree with the Mayor on that proposal, and plan at the next possible Commission meeting to propose a policy statement from us endorsing the Mayor's proposal.

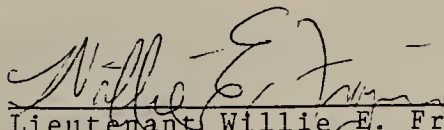
As a result of this case, I will also ask that this Commission expand our agenda to include strengthening the OCC's investigatory capabilities. I will suggest the establishment of a committee to provide Commission input on other proposals regarding OCC reform and OCC strengthening.

At the same time, I believe that this Commission must move actively to address the concerns raised by the Human Rights Commission and the Board of Supervisors on matters relative to the OCC and other management issues. The committee I will suggest should also undertake a formal review and provide a public response to the issues raised by these official bodies.

In dismissing these charges, we are saying the OCC investigation and the subsequent disciplinary hearing failed to satisfy our need to know the facts. Fairness dictates that we do not prolong a charade that is clearly incapable of bringing the necessary facts to light. And so, out of fairness, I cast my vote to dismiss these charges. But out of a sense of justice, I will not let this close the chapter on our inability to restore public confidence that this department has acted in a way that respects the dignity of each and every person.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

The meeting, thereafter, was adjourned at 7:07
p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JANUARY 10, 1990

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, January 10, 1990 at 4:30 p.m. in a Closed Session.

Commissioner Giraudo presiding.

APR 30 1990

1. Attorney-Client Conference

- a. Pending litigation of Brian Bringardner, et al vs. City and County of San Francisco (Review of Event Management Manual)
- b. Jesus D. Garcia vs. City and County of San Francisco Unlitigated claim - \$6,000.00
- c. Rodello Ramos vs. City and County of San Francisco Unlitigated claim - \$5,598.22

JANUARY 10, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, January 10, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 13, 1989

Approval of Minutes of Meeting of September 13, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 18-90

JESUS D. GARCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of Jesus D. Garcia in the sum of \$6,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 16, 1988

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 19-90

RODELLO RAMOS

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of Rodello Ramos in the sum of \$5,598.22 as a result of

damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 20-90

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$3,387.50 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 21-90

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,335.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 22-90

CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Various Toweess) in the sum of \$2,240.00 as a result of faulty tows, be, and the same is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 23-90

AIDA FLORES YBARRA vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aida Flores Ybarra vs. CCSF, et al in the sum of \$1,500.00 in Superior Court No. 827-946 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 31, 1984

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 24-90

KEVIN CHEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Cheung in the sum of \$825.00 as a result of damages



sustained, be, and the same is hereby approved.

Date of Incident: August 14, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 25-90

WILLIAM B. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William B. Williams in the sum of \$798.98 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 18, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 26-90

STACEY KNAPP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stacey Knapp in the sum of \$778.59 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 27, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 27-90

JAIME PUEBLA, RUBEN PUEBLA & ODILE A. PUEBLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jaime Puebla, Ruben Puebla & Odile A. Puebla in the sum of \$700.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 8, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 28-90

CHARLES L. WOOD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles L. Wood in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina



RESOLUTION NO. 29-90

JOHN GARDNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Gardner in the sum of \$180.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 30-90

JERDINE SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerdine Smith in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 31-90

ROBERT S. SCHUMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert S. Schumann in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 32-90

CHARLES H. BEARDSLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles H. Beardsley in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 33-90

DONALD OTTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Otto in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 34-90

NORMAN TAIRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Taira in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 35-90

HUGO SALAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hugo Salas in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 36-90

STEVE SEMPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Semper in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 37-90

GEORGE VELA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Vela in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 38-90

CARLA FERONG (WATERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carla Ferong (Waters) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 39-90

SHIRLEY M. THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shirley M. Thompson in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 40-90

BYRON C. SCHIFFMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Byron C. Schiffman in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 41-90

STEFAN WEVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stefan Wever in the sum of \$127.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 42-90

SHELLEY J. STAYMATES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shelley J. Staymates in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 43-90

GONZALO Y. CUNANAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gonzalo Y. Cunanan in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 44-90

JAIME MICHAELS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jaime Michaels in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 45-90

GILBERT L. SHEPARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gilbert L. Shepard in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 46-90

LESLIE SENA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie Sena in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 47-90

ALISON HAWTHORNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alison Hawthorne in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 48-90

JUDITH K. ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith K. Anderson in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 49-90

EDGAR ROUGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edgar Rouge in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 50-90

CASSY HIAN KERK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cassy Hian Kerk in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 51-90

RENE A. CARDENAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rene A. Cardenas in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 52-90

GARY MAC LEAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Mac Lean in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved

Date of Incident: November 13, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 53-90

MEGAN RYAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Megan Ryan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 54-90

WADE CARLSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wade Carlsen in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 55-90

LINDA J. ARCHAMBAULT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda J. Archambault in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 56-90

MICHAEL GOETZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Goetz in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 57-90

BROCK LANSDALE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brock Lansdale in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 58-90

TERRY TAY JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terry Tay Jones in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 59-90

CARLA M. RANNIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carla M. Rannie in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 22, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 60-90

ELIZABETH BURCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Burch in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 61-90

BOB McGREEVY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bob McGreevy in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 23, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 62-90

DI QIAO ZHENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Di Qiao Zheng in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 63-90

RON DALEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Daley in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 64-90

ANN WENGRAF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Wengraf in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 65-90

PAMELLA A. TATE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamella A. Tate in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 66-90

KERMIT C. HUTCHINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kermit C. Hutchins in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 67-90

PAVEL CICMIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pavel Cicmir in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 68-90

EVANDRO M. CARDENAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evandro M. Cardenas in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 69-90

MARY COEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Coen in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 70-90

RICHARD A. LAHR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard A. Lahr in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 71-90

JULIO FERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julio Fernandez in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 72-90

TOM BELSHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom Belshe in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 73-90

GERALD E. HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald E. Harris in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 74-90

LORRAINE WEISS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorraine Weiss in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 75-90

KRISTIN A. GLENCHUR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristin A. Glenchur in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 76-90

RICHARD WARMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Warman in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 77-90

CHRIS BACON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Bacon in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 78-90

SONIA S. BOLANOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sonia S. Bolanos in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 79-90

SEBASTOAM LEZCAMP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sebastoam Lezcamp in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 80-90

MARIA C. SENA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria C. Sena in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 81-90

MAX PATTERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Max Patterson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 82-90

RON DALEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Daley in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 83-90

MARIELENA FURLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marielena Furlan in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 84-90

LOUIS Q. BU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis Q. Bu in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 85-90

GAIL ROBERTS-CAPPELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gail Roberts-Cappelli in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 86-90

GREGORY N. RIVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory N. River in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 87-90

CAROLYN REILLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Reilly in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 88-90

LEONARDO J. LUMBI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonardo J. Lumbi in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 89-90

MICHELLE A. KNOELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michelle A. Knoell in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 90-90

JOAN MICHLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Michlin in the sum of \$70.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 24, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 91-90

MONA LISA BARRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mona Lisa Barron in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 92-90

GWYN JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwyn Jones in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 93-90

MICHAEL P. FAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael P. Fay in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met tonight in Executive Session on litigation matters and no vote was taken. He said he also had a letter that the Commission had received from Mayor Agnos that the Mayor had asked him to read during the meeting this evening. Commissioner Giraudo then read the letter as follows:

Dear Louis:

This past year has presented many challenges to the Police Commission, the Police Department and the Office of Citizen Complaints. These challenges have tested the mettle of the organization, in some cases provoking profound changes. The events of 1989 have taught us that we cannot meet today's needs, much less our opportunities for tomorrow, with yesterday's answers.

As a Commission you have taken decisive action to respond to difficult issues while retaining the central values of good government, honesty and integrity.

The Department instituted the most sensitive and comprehensive departmental procedures for dealing with hate crimes of any major United States city. These procedures have now become the prototype for police departments across the country.

The Department has introduced in the Mission District the only community oriented policing program in a major West Coast city. That policy is returning the beat cop to the neighborhood and the neighborhood to the people.

The Police Commission in 1989 adopted a resolution recognizing the rights of homeless citizens. As a result, the Police Department has joined with other city departments in seeking a multi-disciplinary approach to solving the problems of homelessness.

The Department has adopted 13 new crowd control measures, making San Francisco's crowd control policy the most progressive of any major city in the nation.

As we move into 1990, I am confident that this Commission will continue to provide the kind of leadership and direction necessary to ensure that the OCC and the Police Department reach their highest potential as public service agencies.

After consultation with the Chief of Police, I have established the following goals for that department:

1. Implementation of the Consent Decree, as far as budget resources will allow, for the hiring, promotion and full integration of women and minorities through all units and ranks of the Police Department so that the department will more closely reflect the makeup of our city as a whole.
2. Further reduction of lingering racial, gender, cultural and lifestyle tension within the ranks of the Department.

3. Refinement of the disciplinary process so that fair and consistent discipline can be swiftly administered. Special attention must be given to dealing more firmly with officers who repeatedly violate Department rules and regulations.
4. Development of a more effective command structure that promotes accountability by executive officers, company officers and rank and file police officers.
5. Establishment of clearer lines of communication between the Chief and all units in the Department. This will include more frequent meetings with commanders and district captains, personal visits to district stations.
6. Solidify the Department's crowd control policy to further clarify the role of police at demonstrations with the publishing of the crowd control manual. Clear parameters and guidelines for lawful conduct by demonstrators must exist so that the public will know what is expected of our police officers in these situations.
7. Improvement in training for all ranks will be achieved by increasing total hours of in-service, advanced officer and management training. Ongoing crowd control training of a more extensive nature than has been true in the past will be mandated for district station personnel as well as the tactical unit.
8. Expanded use of civilian personnel to perform Department functions that do not require sworn officers will continue.
9. Within budgetary limits and per consent decree goals, the Department will continue to recruit and hire a sufficient number of police officers to bring the Department up to current authorized strength.
10. The department shall endeavor to further reduce racial, gender, cultural and lifestyle tensions between the Department and various San Francisco communities. Within the budget limits this may require sensitivity training and courses in conflict resolution as well as in-service training sessions with community groups. This goal is to insure that all citizens receive equal protection, equal respect and the highest level of professional courtesy from all sworn personnel.
11. The Commission shall, with counsel from the City Attorney, adopt whatever measures are necessary to resolve discipline cases where there is disagreement between the Chief and the OCC.
12. Comprehensive review and revision as necessary of police academy course content to provide training for sensitive urban problems such as the homeless, immigration raids and foreign policy protest.

After consultation with the Director of the Office of Citizen Complaints, I have established that following goals for that department:

1. Stronger emphasis on quality control in the investigative process so that all reports and recommendations will be based solely on

impartial fact finding. The Commission should seriously consider that hiring of a staff attorney to help achieve this goal.

2. Structure the Office to permit more effective management and supervision, promoting greater accountability and protecting the integrity, credibility and confidentiality of reports.
3. A further reduction in the backlog of cases through more efficient management and operations.
4. Enhancement of community out-reach programs, especially in bilingual communities, so that citizens will understand the purpose of the OCC and be encouraged to use its services.
5. Stronger emphasis on in-service training to insure that high standards of professionalism, objectivity and quality control will be met.

I look forward to working with you on the accomplishment of these goals in the coming year.

Sincerely,

Art Agnos

Commissioner Keker then said he would like to comment on his experience in the Fire Commission. He said Mayor Agnos, when the Fire Commission, Jim Jefferson is the President of that group and was first appointed in April of 1987, sent a letter establishing goals for that Department and it turned out to be a very effective management tool for the Commissioners and the top staff in the Department to sort of monitor their progress and as a result of all of that the Fire Commission ended up writing back to the Mayor towards the end of the first year, that they were all in Office, reporting what progress, and in that case, the report was fairly impressive and great progress had been made and most of the goals, if not achieved, at least they were along way toward achieving them. He said he thinks the Commission ought to use these goals which he thinks are the right ones for the Department for the same sort of purpose and toward that end he would suggest that the Commission calendar a report from the Chief of Police and the Director of the OCC three (3) months from today to report on how they are doing with respect to these goals and what they plan to do and then he said he would think the Commission would probably want to calendar another report three months later so that they don't simply wait until the end of the year and then ask themselves how they did. He said so he would suggest that the Commission instruct the Secretary to calendar this each quarter and that the Chief and the Director give the Commission something with bullets so that they can think about what they will be saying in each of the different categories so that they can see the ones where not much is being accomplished and began to work on them and they can see the ones where a lot has been accomplished and so on.

Commissioner Giraudo said that is a motion is there a second. Commissioner Lee said second and it was unanimously approved.

Commissioner Lee then said that he would like to calendar the Election of Officers of the Commission Meeting next week.

Commissioner Craig said that she thinks the Mayor in the letter that was just read had some very positive things to say about the Office of Citizen Complaints. She said the City of San Francisco strongly supported the Office of Citizen Complaints creating it in 1982 and she believes it continues to strongly support it in seeing that it is as effective as it can be. She said she feels that the OCC represents the CORE values of the city and has done its work in the face of difficulties and even attacks. She said she believes it is the duty of this Commission to work in every way possible to expand the effectiveness of that body. She said, and so, in that spirit she would like to make the following motion, that this Commission empower a Committee to be comprised of Commissioner Kecker to be its Chair and Commissioner Medina to serve as Commission representative in discussions as to a resolution of disputes between the Office of Citizen Complaints and the Chief on sustained charges and all other proposals, recommendations and suggestions pertaining to reform and strengthening of the Office of Citizen Complaints. Commissioner Lee seconded and it was unanimously approved.

Commissioner Kecker said as a point of clarification since he is the Chair of this sub-committee, does their charter include them taking a look at the disciplinary process in the Department from top to bottom and is not limited to the OCC but to the extent that they need to look at Management Control and to the extent they need to look at hearing procedures before the Commission that they can look at that too.

Commissioner Giraudo said he thinks that is the wish of Commissioner Giraudo at least in their earlier discussion and also of the entire Commission so that the Commission can face the issue head on and come up with a resolution that is within the purview of the legal advice that they have received not only from the City Attorney but interested community groups who have equal representation so that the Commission can take a look at the whole scan of the disciplinary process within the Police Department.

Commissioner Medina said there was one more matter that he wanted to bring up and he wanted to calendar for a public hearing for discussion regarding the Police Community Relations Unit given that the Commission has taken a look at the Tac Squad and how that fits into crowd control, the Commission has a hearing coming up on the Intelligence Unit and Domestic Surveillance and he would also like to calendar a hearing on the Community Relations Unit so that they can make the best use of the resources and personnel in that Department as well. He said he would like to do that February 14th and he asked the Chief if the Commission could have a report in preparation for that Public Discussion before the meeting takes place so that the Commissioners will be briefed on the Community Relations Unit.

Chief Jordan asked for a clarification in that if he was asking for a report here before the Police Commission in part of the open forum on exactly what Community Relations does. Commissioner Medina said if the Chief could begin by bringing the Commission up to date in regard to the number of personnel involved in the Community Relations Unit, what their responsibilities are and then the Commission can

continue with a discussion on how they can be utilized in some of the Crowd Control situations previously discussed and any other concerns that the public might wish to raise.

Chief Jordan said it sounds like a two prong issue here and the first one is the Commissioner wants some information at first just so they can have the number of Staffing and some of the programs they work on now and then they will come in and explain exactly what the procedures are that will be a time for a public forum as well.

Commissioner Medina said that is correct. Commissioner Giraudo said the Commission has a motion and a date for that hearing is there a second. Commissioner Keker seconded and it was unanimously approved.

(a) PUBLIC COMMENTS

Mr. Keith McHenry, Foods not Bombs, addressed the Commission and said in regard to the Department's General Order honoring and respecting the rights of the homeless in San Francisco that that is apparently being completely ignored by the SFPD. He said the harrassment of the homeless by SFPD Officers appears to be on the increase. He said he had witnessed many occasions of this especially during the month of December where the police were asking for I.D.'s and according to the Mayor's letter that is not supposed to happen unless someone is suspected of committing a crime. He said they were urging the Commission to do something for 1990 to see that the tenor of the General Order is carried out as it has gotten visibly worse and smacks of being hypocrisy and they are urging the Police Commission to do something to get the police to respect their constitutional rights.

Mr. Terry Evans asked for a recap on where the Department and the OCC stood on numbers of Complaints and the backlog. Commissioner Giraudo said that should be calendared for a response next week as it is difficult to respond to at this time. He said the Department and OCC went through a very lengthy investigation of the number of cases that were with the Chief's Office, those that were sent over by the OCC, those that were sent back, those that were still pending there and are pending here and he thinks that that might be something that would be difficult to give this evening but next week a response will be ready for him. Mr. Jote Kojela requested information as to when Public Convenience and Necessity Hearings would be held. Commissioner Giraudo said the Hearings would probably be scheduled somewhere before April but he would like for the process involving Mr. Kojela before the Board of Permit Appeals to be finished before the Commission starts its PC&N Hearings.

Mr. Ed Dwyer, resident of the Upper Castro area. He said he was wondering why the demonstration on October 6, 1989 was treated differently than all other demonstrations have been and he did not feel an answer to that question was given during the comments on this matter at the Commission's December 13th meeting. He said he would hope that the Chief, at some point, would have an answer for that question. He said also at that meeting it appeared that many people were talking about keeping the Tac Squad for Crowd Control which he hoped would not happen and since the Commission

has it on calendar today the Commission would be better off abolishing Crowd Control altogether as a Tac Squad function and not just having them on a standby basis to be used if necessary.

Mr. Julius Zamacona, Civilian Community Relations in the Excelsior District. He said he has been in that capacity since 1962 as an unpaid volunteer. He said the city is having these problems now because it does not have the same organization now as they had them. He said they came under nine (9) District Stations who they reported to and each one would make a weekly report to the Chief. He said he is now working with schools, churches, the Police Department and the OCC. He said he is not trying to place one against the other all he wants is peace and quiet and to see if they can get things together like they had before. He said and Captain Philpott is doing a wonderful job. Commissioner Medina said to Mr. Zamacona that he was also welcome to come back when the Commission holds a discussion on the Community Relations Unit.

Mr. Almstead-Rose, CUAU, said he wanted to make a couple of comments about the Smoot decision that was made last week and that he was not coming to say yes, that was the right decision or no, that was the wrong decision. He said he had not read 4,000 and some odd pages that the Commission has been exposed to so he did not want to do that but there are a couple things about the process some of which he thinks the Commission is aware of and he thinks they really should be brought out. He said the process presented itself as a trial of the OCC that the OCC was on trial, that they were dragged through the mud and the Officers who were charged with a poor investigation, whether they did that or not, that that question was never tried. He said whether that is true or not, again he was not going to debate and he had spoken to Commissioner Craig about this and he believes in and trust her judgement and what she is doing and she believes that there was an adequate investigation done. He said but still what they have here was the OCC on trial and he thinks a lot of damage was done to an agency that has a lot of problems as the Commission knows where once again they were dragged through the mud having personnel files brought up and the same questions asked four (4) times in 4 different ways and they (OCC) were on the stand and once again it is an attack on the integrity of that process and everyone keep talking about the public trust and the institution and once again he really thinks it undermines the public trust. He said people aren't going to be going to the OCC when they see them treated that way. He said he understands there are proposals that the Commission are looking at to see how that can be strengthened but it has been going on for a long time. He said secondly, just to give the Commission a little perspective, the Lesbian-Gay Community and many other communities don't trust the system. He said in the same week they had three (3) gay bashers, who committed a murder, set free by the State Supreme Court and the George Smoot decision coming down, once again, that kind of re-enforces that status that by stopping the trial after the OCC's case is over in the middle of the proceedings, to say now it's over then how can they trust the system to care about their community, to care about their concerns. He said he thinks that impression is out there whether it is right whether it is wrong it is out there and he hopes the Commission is aware of that. He said finally when there is an issue Community United Against Violence (CUAV) is heard

here a lot and they are not really rabble rousers but they get upset every now and then and at heart they are a community service agency of the city and that is what they were created to do and that is what they do. He said in this case the Commission has a little piece in looking after the interest of a man who was murdered and through the whole process, through the police investigation, through the OCC Complaints, through the trials and everything there was nobody representing George Smoot. He said he is dead, he is not able to speak for himself and one person took up his cause and he is also dead. He said he just wanted to remind the Commission of that because it is an individual case it is something, keep in mind that there are individuals who aren't around to speak for themselves, to defend themselves, to talk about what happened to them. He said and finally he has a question which is that there is one unfinished piece of business which is a complaint sustained by the OCC against Inspector McCoy regarding harrassing telephone calls to Bill Paul he would like to get information about where that stands because he didn't know.

Chief Jordan said that complaint is still on-going and he has heard the first phase of it and then there was a delay to finish this case here before the Police Commission and one of the concerns he had is that now he wants to hear the testimony of Inspector Frank McCoy. He said he feels that it will be disposed of within the month of January.

Ms. Ann Manache, who said she was a Civil Rights Attorney representing Carlos Jones in a civil suit that was recently settled in the city. She said she is very pleased that the City is attempting to improve Police Community Relations especially community relations with minority communities here in the city. She said she thinks there has been a big need for improvement. She said however to effect this improvement the Commission must act quickly to hear complaints against officers sustained by the OCC it must act as swiftly and must severly discipline those found guilty. She said racist, sadist, homophobic violent and abusive police officers do not belong on the Police Force. She said if they are allowed to remain on the Police Force they will continue to violate Citizens Rights and cost taxpayers money. She said a case in point again involves the complaint against Roland Wing. She said the incident in question with Carlos Jones dates back to February 1986 and the OCC sustained that complaint in October 1987 and it is not until tonight that that case will be heard. She said in the meantime, Officer Wing has gone onto allegedly beat and illegally arrest other citizens. She said she really thinks this situation is intolerable and thinks the Commission should adopt a policy to handle this type of situation.

Mr. John O'Brien, said he had several things he wanted to comment on tonight.

1. Reorganization. He said it looks like they are changing the yogurt in the Department from horse _____ to bull _____.

2. He then asked Commissioner Kecker since he is an attorney if he would consider it a homicide if in 40 degree weather where hypothermia could be caused if he took his overcoat from him and he went into hypothermia and died wouldn't he be subject to be charged with homicide at the least. He said the

point of his question is that police officers have been going through the parks and taking people's clothing, their sleeping bags their shoes and their tents. He said all of which were necessary for protection against the elements. He said he did not know whether they realized it or not that in San Francisco below 60 degrees people can get sick and die from hypothermia, they can get frost bite and frost bite can lead to loss of limbs so just think about it and at a future date he will come back with this.

Police Officer Jerry Donovan, Tactical Division. He said at the December 13th meeting he tried to point out that the Tactical Division does a lot more than just Crowd Control and what he has heard tonight still sounds like there is confusion. He said he has distributed to the Commission for 1989 some of their (Tac Squad) statistics here saying that actually they had twenty thousand (20,000) detailed hours time spent to police Giants and 49er games crowd control, different types of training and court time which is less than 1/6th of their time. He said the rest of the time they are out patrolling the street and answering runs. He said they arrested 1388 felons and arrested or cited over 8,000 misdemeanors and handed out over thirty thousand (30,000) traffic citations and they made 582 narcotics arrests. He said he just wanted to make it clear that there is a lot more to their job than just crowd control.

RESOLUTION NO. 9-90

RESETTING OF DATE FOR HEARING OF POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND INVESTIGATIONS

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations, was called it having been scheduled for this date; and

WHEREAS, it was conferred and agreed by Mr. Jerry Akins, Attorney at Law for the San Francisco Police Department, and Mr. Jerry Spolter, Attorney at Law representing Officer Kirley, that the date for the hearing of Officer Kirley be reset for January 31, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Joseph C. Kirley is set for Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Kekker, Lee, Medina

RESOLUTION NO. 10-90

STATUS ON POLICE COMMISSION CONSIDERATION ON DECLARATION OF JOHN J. JORDAN IN SUPPORT OF MOTION TO DISMISS SPECIFICATION NO. 1

WHEREAS, the status on Police Commission consideration on Declaration of Deputy Chief John J. Jordan in support of Motion to Dismiss Specification No. 1 was called, it having been set for this date, and

WHEREAS, it was requested by the Police Commission that the matter be continued to January 31, 1990; therefore be it

RESOLVED, that the status on Police Commission consideration on Declaration of John J. Jordan in support of Motion to Dismiss Specification No. 1 is continued to Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 11-90

STATUS ON HEARING OF DEPUTY CHIEF JOHN J. JORDAN

WHEREAS, the status on the hearing of disciplinary charges filed against Deputy Chief John J. Jordan was called, it having been set for this date, and

WHEREAS, it was requested by the Department that the matter be continued to January 31, 1990; therefore be it

RESOLVED, that the status on the hearing of Deputy Chief John J. Jordan is continued to Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 12-90

STATUS ON POLICE COMMISSION CONSIDERATION ON REQUEST OF APPLICATION FOR DISCOVERY AND MOTION FOR RECONSIDERATION OF DENIAL OF DISCOVERY IN THE MATTERS OF CAPTAIN WILLIAM WELCH, et al

WHEREAS, the status on Police Commission consideration on the request of Application for Discovery and Motion for Reconsideration of Denial of Discovery in the matters of Captain William Welch, et al was called, it having been set for this date, and

WHEREAS, it was requested by the Police Commission that the matter be continued to January 31, 1990; therefore be it

RESOLVED, that the status on Police Commission consideration on the request of Application for Discovery and Motion for Reconsideration of Denial of Discovery for Captain William Welch, et al is continued to Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 13-90

STATUS ON HEARING OF CAPTAIN WILLIAM N. WELCH, TRAFFIC DIVISION, PARKING AND TRAFFIC CONTROL

WHEREAS, the status of hearing on disciplinary charges filed against Police Captain William N. Welch, Traffic Division, Parking and Traffic

Control, was called, it having been set for this date, and

WHEREAS, it was requested by Mr. Stephen Whitmore, Attorney at Law representing Captain Welch, that the status report on the hearing of Captain Welch be continued to January 31, 1990; therefore be it

RESOLVED, that the status report on the hearing of Captain William N. Welch is continued to Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 14-90

STATUS ON HEARING OF LIEUTENANT THOMAS J. LANG,
TACTICAL DIVISION, SPECIAL OPERATIONS BUREAU

WHEREAS, the status of hearing on disciplinary charges filed against Police Lieutenant Thomas J. Lang, Tactical Division, Special Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was requested by Mr. Stephen Whitmore, Attorney at Law representing Captain Welch, that the status report be continued to January 31, 1990; therefore be it

RESOLVED, that the status report on the hearing of Lieutenant Thomas J. Lang is continued to Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 15-90

STATUS ON HEARING OF SERGEANT JAMES B. HALL,
TACTICAL DIVISION, SPECIAL OPERATIONS BUREAU

WHEREAS, the status of hearing on disciplinary charges filed against Police Sergeant James B. Hall, Tactical Division, Special Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was requested by Mr. Stephen Whitmore, Attorney at Law representing Captain Welch, that the status report be continued to January 31, 1990; therefore be it

RESOLVED, that the status report on the hearing of Sergeant James B. Hall is continued to Wednesday, January 31, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 16-90

STATUS ON HEARING OF POLICE OFFICER CLINTON COOPER,
PROPERTY CONTROL DIVISION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, was called it having been scheduled for this date; and

WHEREAS, Mr. Clifton Jeffers, Attorney at Law representing Officer Cooper, advised by telephone that Officer Cooper is still physically disabled and that he was requesting the matter be continued to a later date; therefore be it

RESOLVED, that the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper is set for Wednesday, February 21, 1990 at 5:30 p.m., Hall of Justice, providing that the Police Department receives an updated report from Officer Cooper's physician as to his condition, and specifically one week prior to the date of his scheduled Police Commission status report.

AYES: Commissioner Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 17-90

STATUS REPORT ON OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been scheduled for this date; and

WHEREAS, on January 10, 1990, a report from the Department's physician Dr. Parsons stated that Officer Joyce was 238 pounds and that Officer Joyce was scheduled to report to him again on February 6, 1990; therefore, be it

RESOLVED, that the date for the next status report on the disciplinary charges filed against Police Officer Denis P. Joyce will be on Wednesday, February 7, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he would move on to the next item #7 where most of his discussion will take place regarding the Organization and the General Order in revising of General Order A-5 and the complete restructuring.

PUBLIC HEARING ON REVISED GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

Chief Jordan then said he believed the Commissioners had before them the revised General Order A-5 and also some Organizational Charts. He said without reading each item as it is a lengthy process, he would go through it and summarize and the Commission may ask questions as he goes through it. He said as the Commission knows he has been working with them individually and evaluating last year's issues, a variety of them, in the Police Department dealing from Crowd Control to Demonstrations, to Span of Control to flow of information from top to bottom in the Administration down to the line operation in the field and the streets. He said he has evaluated that a number of processes could take place that he believe would

streamline, reorganize and structure the Department in a way that would help him do what he planned to do in terms of a span of control, chain of command, responsibility in terms of delegation of authority and then the accountability that follows with it. He said he also finds that there is something lost in the translation when he has and Administrative Meeting that doesn't quite easily flow all the way down the Chain of Command and its an opportunity for him to try something different here in terms of the organizational structure to be out in the field more often to see issues, district stations, demonstrations, crowd control and community interaction and also his own personal philosophy in terms of demeanor, conduct and attitude, professional approach of police officers and this new reorganization, he said, gives him the opportunity to do so. He said as part of it he is going to move as the first step one of the Deputy Chief's to the position of Assistant Chief which would be a Chief of Staff and that is Assistant Chief Willis Casey who will free the Chief in terms of some of the paper work and some of the opportunity to get out from his desk and go out into the field as he feels he would like to do. He said Assistant Chief Casey would still be the Affirmative Action Officer, handle some processes in Administration as he has done before in terms of planning and budgeting and Personnel Training. He said the Deputy Chief of Administration will be Larry Gurnett who will be tied very close to a number of issues that he as Chief will want to be careful of also and that is how the Department can consolidate and closely coordinate any issues that might show early warning signs dealing with Management Control Investigations, OCC Investigations, PIP Folders and Binders, Civil Litigation that goes through the City Attorney's Office all of which would be sent to the Deputy Chief of Administration Larry Gurnett. He said Field Operations is newly created bureau and it will be headed up by the new Deputy Chief Fred Lau who was a previous Commander in Special Operations and Field Operations. He said this is in the Patrol Force and it will be for the purpose of obtaining a tighter Span of Control in the configuration of the Patrol Bureau. He said there will be the three commanders in the Field Operations where they will divide the nine (9) stations into three sections or three Patrol Divisions and each of those Divisions of Patrol would be commanded by one Commander. He said again this would be helpful as throughout the years they have had many Crowd Control Demonstrations and Special Event issues. He said a Commander would be in the particular configuration for example the first Patrol Division: Central, Southern and Potrero and if there were any demonstration or crowd control issue to take place in that first Patrol Division the Commander of that Division would have the responsibility to write the operations order, plan and put it together with those planning to demonstrate if the communications is available and not only would he then work with the three Captains in those three stations he would also be the Event Coordinator himself in terms of handling the demonstrations. He said this would work the same for the second Patrol Division which would be the Mission, Ingleside and the Taraval and also for the third which would be Northern, Park and Richmond. He said if it ever became where it was larger or more than one division could handle it then that is where Deputy Chief Fred Lau would become involved in helping with the equipping and staffing. He said the Deputy Chief would not be the

Event Commander but would oversee the demonstrations and issues that were taking place on the street. He said the the Bureau of Inspectors would now be taken over by Deputy Chief Frank Reed, previously from Field Operations. He said in this move we see an expanded approach of the Investigative Units, together in one operations so that there can be better continuity in terms of what is going on in the streets in uniform patrol as well as the investigations of middle-upper level dealers. He said in moving the Deputy Chiefs into the new configurations he feels that it is important because he wants them all to have a variety of leadership in management roles. He said he thinks it is helpful for their career enhancement for their future career possibility and they all have their experience in the areas they came from and also some experience in the areas that they are going to. He said this should be a very smooth transition for each of the bureaus they are going to if the Commission approves. The Chief then named the Command Divisions and announced promotion of a new Commander in former Captain Michael Brush who was the Captain in the Mission District until this promotion to Commander. He then went on to explain the other areas of reorganization and asked the Commission that if they have any questions, after reading the revised General Order and the Organizational Charts, he would be very happy to answer them but he would like to have them approve this tonight if at all possible, so that the Department could move on to implementing it and also approval to appoint the new Deputy Chief and Commander on Friday morning of this week so that the process can then begin.

Commissioner Medina said he would make a motion to approve the Reorganization and to second the Chief's recommendation regarding the promotions of Captain Brush and Commander Lau. He said he also would like to recommend that two women be sent to upper management training so that when the opportunity comes they will have had the training and be in a position to accept a promotion to one of these high level exempt positions in the Police Department. Commissioner Lee said he would second Commissioner Medina's motion on the Reorganization proposal. Commissioner Giraudo said that it should be noted that the Commission does have a Committee of the Commission on the Status of Women in the SFPD which will be conducting hearings over the next four or five months and it is chaired by Commissioner Craig and this is in response to Commissioner Medina's concern as well. The motion, thereafter, was unanimously approved.

RESOLUTION NO. 5-90

REVISED GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

RESOLVED, that the Police Commission hereby approves the proposed revision to General Order A-5, "Organizational Structure and Functions".

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

Mr. Terry Evans said he was representing tonight the Alliance to Stop Abusive Police (ASAP) and he wanted to comment on the proposed General Order. He said ASAP is a broad coalition of over forty (40) community groups that are concerned with abusive

police practices. He said many of the more blatant offenses occur with police who are trying to control behavior on the streets. He said they welcome any sign of concern of these issues from the Chief's Office but the organization of the SFPD is not the root cause of abusive practices. He said the problems within the Department stem from the lack of accountability, the lack of established procedures, and a lack of effective review. He said these issues are not directly addressed nor have their on-going questions about field events been answered. He said no specific structure for the SFPD old or new will mean real progress in protecting the public from out of control officers until there are 1. Published Procedures and Guidelines for Crowd Control and treatment of all citizens with or without homes so that the public knows what they may expect of the SFPD. 2. Professional Training and monitoring of behavior under stress so that officers have the tools that they need, and 3. Adequate Records and timely Discipline Oversight. He said they urge the Police Commission to do its duty to use its authority and open up these policies and practices to effective public oversight. He said efficiency and better control, however desirable, are no substitute for accountability.

Mr. Sid Wallace, supporter of the Revolutionary Communist Party said he also works with an Organization called Refuse and Resist and he has a few words to say about this shuffling of the deck in the SFPD. He said what is the real deal here. A little public relations and a lot of sharpening and focusing the police apparatus to further attack the people and particularly those on the bottom of society in the oppressed communities, places like Valencia Gardens, Hunterspoint and Sunnydale. He said this talk of less undercover activity and more open naked police presence and they, in the community, are supposed to celebrate this as if the open invasion by U.S. Troops in Panama is better than the funding of the Contras in order to more efficiently slaughter Latin American people. He said what's to celebrate? More occupational troops rampaging through public housing projects in SF? He said, celebrate, Tac Squad surrounding the Sunnydale Housing Project Tenants' Meetings as happened about 3 or 4 weeks ago? He said should they celebrate when the SF Tac Squad watches three attacks in one day at Sunnydale when residents calling themselves Fight the Power, organized themselves and opened up vacant housing units for the homeless, he said he didn't think so. He said the SFPD criminalized a whole generation of black youth in the housing project and these days they are responsible for random search, random I.D. checks and general racial harassment and degradation of the youth in these projects. He said the SFPD is attempting to turn these projects into Detention Centers on permanent lockdown and log this under the Holy Banner of the war on drugs. He said, well Peter Koch, who is a big fan of the guys here (indicating SFPD Administration) who writes a song where he talks about everybody is talking about crime but who are the real criminals. He said his question to the Chief would be, although he really would not expect an answer, is what does the revamping of the Narcotics Squad have to do with the information in last May 15th's SF Examiner Article where it talks about a complaint filed by an Officer Dela Cerda where in 1986 he began hearing from informants including suspects who were later convicted of drug crimes the Narcotics Officers were tipping off

cocaine dealers about planned raids by agents from the Drug Enforcement Agency (DEA). He said according to the lawsuit the informant gave Dela Cerda an account of the activities in which he called the Nicaraguan Connection in the SFPD. He said these are Narcotics Officers who allegedly had been corrupted. He said everybody is talking about crime but who are the criminals. He said this reshuffling is just a few cosmetic changes in response to some very white protests that have emerged from people who have been victimized by the police and most notably in the Huerta Case and the Prudhomme in the Castro. He said this reshuffling is nothing more than cosmetic changes while bearing down overall on the people and especially those on the bottom of society and it is not going to work. Gone is the time, he said, when you can carry out a Prudhomme in the Castro and think people in Sunnydale wouldn't know about it, gone is the time when they can beat Dolores Huerta almost to death and expect to get over it with a few public relations ledges, gone is the time when they can let a racist homophobic pig like this guy Wong run amok after years of complaints being filed against him and gone is the time where you can be brutalized and degrade those people in the projects and expect no outcry or protest from those in other sections of society. He said it is a new day, Fight and Power.

Unidentified speaker from the audience, Ms. ---, said she may be one of the citizens who has the wrong perception of the police. She said her perception of the police is that the people shouldn't have to be afraid of them and she knows for a fact that people are afraid of them. She said she did not see that these proposed changes are going to change that.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said once again they have submitted their September Statistical Report to the Commission asking that it be reviewed and if there are any questions he would be happy to answer them. He said they (OCC) have some complaints they have been holding because they were awaiting the decision. Chief Jordan said we are talking about fourteen (14) Housing Police and one Harbor Police Officer for a total of fifteen (15). Commissioner Giraudo said which are under the jurisdiction of the Department and therefore are under the jurisdiction of the OCC for it's investigation when necessary.

PUBLIC HEARING ON OFFICE OF CITIZEN COMPLAINTS ORDER H-1, "HEARING PROCEDURES"

Mr. Langer explained that the reason for this order is that the OCC is in the process of implementing their Pro Bono Hearing process and felt it would be very important to formerly lay out exactly what roles the individuals in their office play and how they follow the scheme of things.

Mr. Vince Courtney, Attorney for SFPOA, said they were requesting that the Commission put this matter over until the SFPOA has the opportunity to meet and confer with the OCC or whomever the Department selects on this particular matter. He said he spoke with Mr. Langer last year and expressed their desire to meet and Mr. Langer was

courteous enough to agree to meet with them. He said he subsequently sent him a letter in November and Mr. Langer was advised by the City Attorney that he was not obligated to meet with the POA Reps over this issue. Mr. Courtney said that really puzzles him and he would like to try to resolve that between now and the next Commission meeting. He said the reason it puzzles him is like the wait to begin and the taped statements taken by investigators in connection with investigation reports. He said an issue like that is something that relates to and affects police officers and it is something they should have input through the meet and confer process. He said they will be happy to expedite and guarantee to conclude that process by the next meeting. He said otherwise their only alternative is to go ahead and try to get a writ to compel the Department to meet and confer with the SFPOA on this issue if the Commission does not agree on it.

Commissioner Giraudo said that he had never been advised by the City Attorney that the OCC was compelled to Meet and Confer with the POA he said certainly if this was with respect to the Police Department he could see that there is a necessity for Meet and Confer.

Commissioner Kekker then asked Deputy City Attorney Mara Rosales if the Meet and Confer Provision that Mr. Courtney is talking about apply to changes in disciplinary procedures of this Commission or the OCC or the Chief. Ms. Rosales said that that advice is generally given by the Labor Section of their office but she did have a general discussion on it about these particular procedures but the general subject was raised and she received the same answers that she heard Mr. Courtney say and was given by Mr. Spain in their office that there is no meet and confer obligation in these kinds of procedures.

Commissioner Kekker said that he would be greatly concerned if there were, if this Commission and the OCC didn't have the right and ability to set up its own procedures subject to fairness and due process and so on. He said he thinks that Mr. Langer ought to talk to Mr. Courtney because Mr. Courtney is a good lawyer and whatever views he has Mr. Langer would be interested in, at least hearing and thinking about, but to do it the way Mr. Courtney is suggesting in Meet and Confer right would be a disaster and a very bad precedent.

Mr. Langer of the OCC said that several issues needed to be addressed and first and foremost is they (OCC) have consulted with Government Code Section 3505 which deals with the Meet and Confer issue and they requested an opinion from the City Attorney's Office from Jerry Spain and he advised the OCC that they had no obligation to meet and confer. He said but more importantly there is a secondary issue here. He said Mr. Courtney did approach him in November and asked him if they could talk about this and at that time he gave him a copy of the original draft and when they re-did the draft in December, because it was scheduled for the December 20th meeting, Ms. Rapoza sent Mr. Courtney a copy of it. He said unfortunately they did not put a cover letter on it but that may be an assumption it may be possibly involving the assumption that if there were any issues that Mr. Courtney wished to raise that he would contact the OCC. He said on Monday when he hadn't heard

anything. He then asked Ms. Rapoza to contact Mr. Courtney to see if there were any concerns and possibly they could get together and they did get a message that he was concerned about the issue but under the circumstances the OCC felt it would be wise to go ahead as it was already on the calendar. He said he might point out that one very important part of this is that to the best of his knowledge there were no changes that would impact anyone. He said all they did was to formalize the procedures so that when the Pro Bono people get into the process there would be some kind of coordination so that everybody knows what their role is so nothing really has been changed. Mr. John Crew, ACLU, said what Mr. Courtney, in his argument, left out the OCC Hearing Rules. He said these Hearing Rules that were adopted several years ago, that were challenged in court by the POA for three (3) years and lost and these Hearing Rules which are being implemented are Internal Procedure Documents only instructs the OCC Staff what to do and has no effect whatsoever on the working conditions of the Department and has no effect whatsoever on the officer's rights. He said the ACLU did not think that the SFPOA had more rights than the citizens of SF on Internal OCC procedures. He said the only dispute the ACLU has with these procedures are on Page 10, Section 5 which has to do with conducting an Investigative Hearing, "The Hearing Officer should not allow direct questioning of any person who is giving a statement at a Hearing. All questions should be asked through the Hearing Officer barring unusual circumstances." He said he thinks the ACLU understands what the OCC is getting at here. If, he said, it is an informal process it is something that they try to keep non-adversarial. He said but Section 602.8 a, specifically gives parties the right to question witnesses. He said another Section says those questions should go through the Hearing Officers. He said he did not think this Section is inconsistent but every hearing that he has been in with the OCC, and there has been several of them, they have allowed direct questioning. He said the distinction is the Hearing Officer doesn't rule on Technical Objections under Evidentiary Rules. He said the Hearing Officer trying to maintain an informal basis and the Hearing Officer without an objection can say we are not going to get into that or tone it down. He said so he thinks it would be clearer if they just drop that first sentence and left it, 'That all questions should be asked through the Hearing Officer.' He said he was fearful but he understands the OCC's intent but to say they will not allow direct questioning may confuse Hearing Officers and with a whole new batch of them coming in he thinks it would be clearer just to delete that sentence.

Commissioner Keker said that it seems that they have heard about two problems or ambiguities which can be solved tonight and the Commission can vote on these rules. He said that would be his suggestion but the question would be to Mr. Langer what is the position of the OCC with respect to Mr. Courtney's point and that is are taped statements to be used whether or not the witness is available. He said he could go either way but it sounds like it is confusing and why not straighten it out.

Director Langer said he did not have any objections to that he said he believed the intent was that the taped statements be used in lieu of the witness if the witness isn't available.

Commissioner Keker said that in the absence of a witness that one set of rules seem to put an emphasis on not being able to find the witness or they left the area. He said this just says that they are not there. He said to Mr. Langer that there has to be some further showing beside the fact that the person is not there to use the taped statement.

Mr. Langer said it is their intent that they make a legitimate effort to have the individual there. He said with the absence of the individual being there that the tape recorded statement be allowed to be used. He said suggested language would be, 'if the effort proves to be unsuccessful then the tape recorded statements of the witnesses maybe substituted for the statement at the hearing.

Commissioner Keker said that then his motion would amend the procedures that way and then the second thing would be on Mr. Crew's point and that is his motion would take out the first sentence of the first paragraph as suggested by Mr. Crew. He said with those two changes he would move adoption of these rules.

Commissioner Lee said he would second this motion. It was then unanimously approved.

RESOLUTION NO. 6-90

OFFICE OF CITIZEN COMPLAINTS ORDER H-1, "HEARING PROCEDURES"

RESOLVED, that the Police Commission hereby approves Office of Citizen Complaints Order H-1, "Hearing Procedures".

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RECOMMENDATIONS OF OCC ON THE MANAGEMENT STUDY OF NEW POSITIONS OF STAFF ATTORNEY AND DEPUTY DIRECTOR

Mr. Langer said early last fall when the Commission directed him to conduct a Management Study and recommend some goals for the improvement of the OCC and consider some staff changes, as a result of that on October 11, he submitted to the Commission a copy of this management study. There are two recommendations, he said, one was his hiring of a Deputy Director and the second was to hire a Staff Attorney. He said he would like to deal with the Staff Attorney first, if he might, very briefly. He said it is their feeling that a Staff Attorney would assist them in the preparation of sustained cases make sure that control exist and assist them in the prosecution of the cases before the Police Commission. He said he wanted to go on record by saying the purpose of the Staff Attorney is not to replace the City Attorney assigned to assist the OCC. He said he was requesting permission to prepare a Supplemental Appropriation for the Staff Attorney which is 61.2 in the Salary Standardization Ordinance and the yearly salary for that position is \$57,187.00.

Commissioner Giraudo said that he was in favor of the creation of a Staff Attorney for the OCC so he had no difficulty with the request.

Commissioner Medina said he also feels strongly that the OCC, based on past experience, is in great need of a Staff Attorney. He said he thinks the Commission understands that this would not replace the role the City Attorney plays and that this would be in addition to the services of the City Attorney.

Commissioner Kecker said his only question about it would be whether or not the Staff Attorney at that level is a senior enough and experienced enough attorney to do the work that the OCC may be asking him or her to do which includes not just advice at the investigatory stage but ultimately may involve presenting cases to the Commission. He said he would request that this time Mr. Langer present to them information about his request for Deputy Director Position.

Mr. Langer then said before leaving the Staff Attorney position he just wanted to say that what they did was model that position after the Prosecutor position in the Police Department as it is an identical position terms of salary and responsibility. He said the purpose of the Deputy Director is to assist him in fulfilling his duties. He said that he finds in the day to day operation of the OCC that he spends an inordinant amount of time involved in the investigative process and as a result things like long range planning, budgeting and pro-active kinds of response, more time spent with respect to things like Pro Bono Hearings, Community Outreach Programs and things like that have really been neglected and he feels that the Deputy Director could assist him. He said that pay level in the Ordinance is 63.4 and the salary is \$63,674.00.

After further discussion in regard to the Staff Attorney being allowed to prosecute cases, Commissioner Giraudo called for a City Attorney's Opinion to hopefully be prepared by the next Commission Meeting so the matter could be continued to and discussed at that time.

POLICE COMMISSION DISCUSSION ON RECONSTITUTION OF THE TACTICAL UNIT

Commissioner Giraudo said that at the last Commission Hearing there was much public testimony with respect to the topic that was proposed for discussion by Commissioner Medina and at the end of that discussion it was suggested that the Commission take the time to observe Crowd Control, particularly, the present involvement of the Tac Unit in Crowd Control at a Demonstration, if possible, and to go out and visit the Tac Unit in its entirety when it was going through its drills and practices and exercises out in Golden Gate Park. He said to the best of his knowledge all Commissioners have done so.

Commissioner Medina said that given the public testimony that the Commission has had and all that the Commissioners has put into this he knows the Chief has proposed some recommended changes and he would like to hear what the Chief has in response.

Chief Jordan said he would be happy to respond. He said as part of the Reorganization the Field Operations Bureau has three (3) different patrol

divisions with three commanders. He said there is also one section reporting directly to the Deputy Chief with a Headquarters Section. He said there is a Captain John Willett who will be in charge but these now are individual units that did constitute previously some of the Tactical Units. He said these would be the Special Weapons Use (SWAT), under an individual lieutenant, the Bomb Disposal Unit and then the Parks and Beach Patrol which now would also include the K-nine Dog Unit, the Mounted Unit and any other functions they feel would be necessary in terms of duties as required. He said what this does is that now the Department has a Headquarters Company working directly close to Field Operations Deputy Chief Fred Lau and it is under a Captain but it also would use them in their primary functions and that is in hostages negotiations or barracaded suspects or any kind of violent activity taking place on the streets such as bomb disposal or removal and any in kind of high crime areas where they felt they were necessary, as they do now, with the Park and Beach Honda Units, the Mounted Units and, he said, when he says other functions and duties as required, they are not going to be handling crowd control as such as they have been known to do in the past unless it is known there is actual violence taking place. He said he feels that this configuration now puts them in a situation where they will perform their primary functions and they are not involved in Crowd Control unless there is some violence taking place.

Commissioner Medina asked how prepared will the District Stations be to carry out Crowd Control duties. Chief Jordan said in the last four (4) months the District Stations have been handling Crowd Control Issues. He said and with this new configuration of a Commander handling three (3) District Stations where he would look at the equipment and the staffing and if there were a demonstration in any one of his three stations he would be using equipment and staffing of those three stations as part of his operations order and if he thought that he needed more equipment and personnel he would go through the Deputy Chief of Field Operations and coordinate then with another commander who has three more districts. He said so the Patrol Force would be used in terms of the Crowd Control Demonstration issues city wide because they can use this configuration in each of three different ways to cover all nine District Stations. The Chief said the training for those station officers is going to be intense as it is going to be the same kind of training that the former Tactical Units had to use, they will be doing the same on a weekly basis now for the District Stations. He said they are going to make sure that the District Stations are well aware of what is expected from them in terms of Squad Formations and the Crowd Control and exactly what they would like to do so that there is no question about, if Taraval Station has it one way and Central has it another, he said they want to be sure that they are all uniform.

Commissioner Giraudo said he would want to be assured that the individual officers, and he knows that, hopefully, by next week this Training Manual will be ready for review both for the Patrol Officers for the Supervisors and then ultimately for a Task Force in the Community and for police oriented people and independent people to review before the Department publish this vehicle. He said he would hope that in some form, shape or manner,

that this Training Manual would speak to commitment but he really thinks if it is going to be effective in terms of, and the full spectrum of training apart from, not just how to hold a baton, but in terms of the overall Manual that is being put together. He then asked if there is a directive in that Manual now as to how much training the Personnel is going to receive. Chief Jordan said the way the Crowd Control Manual is being put together that the Commissioners have there are additional items being added to it because of this Task Force within the Police Department. He said some of the areas they are concerned about now is to be sure that the officers on the street, as it has been said here in open hearings, have concerns about what is expected of them and what they want to be sure of is that the Event Commanders and the supervisors on the scene know exactly what to do in given situations as well as they can make it and obviously there has to be some flexibility built in but they know they can, hopefully, be more clear in terms of examples of how many people are demonstrating and that means whether they could clearly stay on the sidewalk or somehow use the street or one lane of the street. He said if they have an incident where someone is demonstrating and blockading a building what is the exact requirements of a police officers at that time to either clear the area or allow them to blockade it but that has to be clarified or do they also have a problem with people sitting in an inner section, how long would they would allow them to sit there to stop traffic when Muni Transit is trying to come through. He said they want to clarify some of those rules so that police officers know exactly what is expected of them and the uniformity of the Event Commanders will be the same in each of these 3 patrol divisions.

Assistant Chief Casey said in direct response to Commissioner Giraudo that as of this date the Manual consist of the following parts: 1. First amendment in the Role of the Police, second Event Management Principals, third Crowd Management Procedures, fourth Crowd Control Procedures, fifth Crowd Control Techniques which is the document the Commissioners have. He said the next one is multiple arrest procedures and lastly, incident report guidelines. He said it runs the entire spectrum of Crowd Control. Chief Casey continued by saying there is a 4-hour block of instruction that every officer is going to receive at the Police Academy this year. He said in addition to that there will be Roll Call Training at the stations.

Commissioner Giraudo then asked if there were any proposals or if the Commission's satisfied to go with the Chief's recommendations at this point and to await the arrival of this Event Manual. He said he should make it clear that when this Manual is done it is going to be a public document but before it is published it will be reviewed by a Task Force that will be appointed by the Mayor and the Chief of Police which will have community involvement, police involvement and he understands some distinguished criminologist involvement to make sure that the Department has a document that everybody knows where they stand and it is not going to be a lengthy process. He said his understanding is it is going to be a process where the Task Force is going to have a charge and it is going to be a short time limit in which to come back unless there is some outrageous thing in the Manual then the Commission will adopt it and then move forward. He said

hopefully at that point and time those who wish to exercise their First Amendment Rights, and those that are charged with the responsibility of protecting those people as well as protecting the rights of those other citizens in San Francisco will all know where they stand and what the process and procedures are that are involved.

Commissioner Medina said he would make a motion to approve the Chief's recommendations. Commissioner Lee seconded and they were unanimously approved.

RESOLUTION NO. 7-90

REQUEST OF OFFICER JOHN GERATY, PARK STATION, FOR APPROVAL OF ACCEPTANCE OF \$5.00 GRATUITY FROM THE HOLLIDAY SISTERS AND DONATION OF SAME TO THE HAMILTON CHURCH CHRISTMAS FUND

RESOLVED, that the request of Officer John Geraty, Park Station, to accept the gratuity of Ms. C. and A. Holliday in the amount of \$5.00 for services rendered and donate the same to the Hamilton Church Christmas fund is hereby approved.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 8-90

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$220,000 TO REPLACE EXISTING EMERGENCY 9-1-1 SWITCHING EQUIPMENT WITH AN UPGRADED, AT NO COST TO THE CITY

WHEREAS, the City and County of San Francisco has an emergency 9-1-1 telephone system, and

WHEREAS, the Police Department is the City agency responsible for the receiving incoming emergency 9-1-1 telephone calls, and

WHEREAS, the current emergency 9-1-1 telephone switching equipment is approximately 15 years old, and

WHEREAS, the State of California will reimburse the City and County for the cost of replacing the emergency 9-1-1 telephone switching equipment, but only after the equipment has been replaced, and

WHEREAS, the estimated cost of the replacement switch is \$220,000, and

WHEREAS, there are surplus salary funds in that amount; be it therefore

RESOLVED, that the Police Commission hereby approves a request for a reappropriation of \$220,000 from the permanent salary account to the equipment account, and be it further

RESOLVED, that the permanent salary account be reimbursed from funds received from the State of California.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

CLOSED HEARING

HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

The hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been set for this date.

Officer Rowland Wing appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Officer Jeffrey Barker, Management Control Division, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Officer Jeffrey Barker and by Mr. John Prentice.

The following witness was called by the Prosecution, was sworn and testified:


Cedric M. Baccus, 1157 Wisconsin
San Francisco, CA

The hearing was then continued to Wednesday, January 17, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:38 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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FEBRUARY 7, 1990

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, February 7, 1990 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference
 - a. Nancy Ortiz, et al vs. CCSF, et al
 - b. ACLU vs. Frank M. Jordan, CCSF
2. Personnel Matter
 - a. In Camera Hearing on Production of Documents

DOCUMENTS DEPT.

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FEBRUARY 7, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, February 7, 1990 at 1800 hours in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

APPROVAL OF MINUTES OF MEETING OF OCTOBER 11, 1989

Approval of Minutes of Meeting of October 11, 1989, the Commissioners (Commissioner Keker not voting) having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 278-90

NANCY ORTIZ, et al vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Nancy Ortiz in the sum of \$6,000.00 entitled "Nancy Ortiz, et al vs. CCSF, et al" in Superior Court No. 883-843 as a result of damages sustained, be and the same is hereby approved.

Date of Incident: June 16, 1987

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 279-90

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Towees) in the sum of \$4,385.00 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Various Dates

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 280-90

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Towees) in the sum of \$3,077.50 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Various Dates

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 281-90

SPYRO TAMPORANTZIS, et al vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Spyro Tamporantzis in the sum of \$2,500.00 entitled "Spyro Tamporantzis, et al vs. CCSF, et al" in Superior Court No. 844-258 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 282-90

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Towees) in the sum of \$1,745.00 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Various Dates

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 283-90

THE CITY TOW (VARIOUS TOWEES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Various Towees) in the sum of \$1,215.00 as a result of faulty tows, be, and the same is hereby approved.

Date of Incident: Various Dates

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening,

one, on a motion with respect to a Discovery Matter, an In Camera Session to review some tapes and two, Litigation Matters and no vote was taken.

Commissioner Medina at this time said he would like to schedule for a hearing, the status of the Housing Police for two (2) weeks from tonight. His motion was seconded and unanimously approved.

Commissioner Keker said he had two (2) matters and he would not be here next week so he would request the Commission and the public's indulgence in putting over for one week the Public Hearing on the Disciplinary Rules and Standing Order that was introduced by motion last week as it was set for Public Hearing next week. He said he would request that it be put over the 21st. Commissioner Medina said he would move that it be put over to that time. Commissioner Lee seconded and it was unanimously approved.

Commissioner Keker said the second thing was that he had met with members of the Bar Association Task Force on discipline and he wanted to ask the Task Force and certain members of the Department to get together. He said an issue was raised about the current status of cases that had been sustained by the OCC and sent to the Chief of Police for action, determination and forwarding on to the Commission or not sustaining, and having received some statistical information and rather than have the Department report at this point he would ask that the Bar Task Force appoint somebody to go talk to Captain Tedesco and gather that information so that they will have a common base of knowledge to identify as to whether or not there is a problem that needs to be addressed. He said the second part is that the Bar Association was concerned about discrepancies between OCC Records and Department Records and he has learned this week that this is something currently being worked on and worked out. He said again he would ask that the Bar Association Task Force Representative talk to Captain Tedesco and Mr. Langer or his designee about that issue and then the Commission could have further talks as to whether that is a problem and if that needs to be addressed.

Ms. Mary Vail of the Bar Association advised that they were having a Committee tomorrow night.

(b) PUBLIC COMMENTS

Mr. John O'Brien, Community Advocate, commented on the demonstration at the Federal Building, and the some of the proposals that were just mentioned by Commissioner Keker.

Mr. Keith McHenry, Food not Bombs, said he wanted to point out that General Order #4 was still not being complied with by the SFPD and that the constitutional rights of the homeless were still being violated by the SFPD.

Commissioner Giraudo advised Mr. McHenry that if he had specific incidences of those violations that he should report them to the OCC.

Commissioner Medina said he would like to have the Chief re-state General Order D-4 through a memo and secondly he would like to ask the OCC to be especially attentive to homeless persons who wished to register complaints. He then suggested to Mr. McHenry that if he had specific incidences also he

was free to state those in a memo and address it to either one or all of the Commissioners. He said the Commission would then follow-up on his letter.

Chief Jordan said he would be very happy to re-enforce the Order of the Department.

Mr. Michael Langer, Director of the OCC said the OCC did a training film for the homeless on how to fill out a complaint and in addition the OCC takes anonymous complaints all the time. He said there are also agencies that deal with the homeless that allow them to use mailing addresses when they go through the complaint process.

Mr. Lester Almstead Rose, CUAV, said he had inquired some weeks ago about the McCoy case and he was told that he would be informed by the end of January. He said he would like to know now just what the status of that case is.

Chief Jordan said he would be happy to respond and that they are just about completing it now and sometime next week it should be finalized.

Helen Reego, National Organization of Women (NOW), National Director in SF, she said she was speaking in reference to NOW Representative Joni Jacobs who was before the Commission last week regarding Police Chaplain Reverend Mike Ryan. She said she felt the need to come back this week to substantiate their complaint and she brought two (2) documents: A newsletter from Operation Rescue, and a SF Board of Supervisors Resolution which was passed on July 3rd, 1989, which she read excerpts from. She said she also wanted to say thank you because she did receive a letter that the SFPD would attend to this problem but she did feel a need to come here herself today.

Mr. Terry Ellis, said he was from the Sunset and he was wondering if there was a report from the January 23rd demonstration at the Federal Building where a Federal Agent was accused of beating a demonstrator.

Chief Jordan said that was correct as he had asked Deputy Chief Reed to investigate and he was present to give an update.

Deputy Chief Reed said the woman who made the complaint and he had met and the case was assigned to the Investigations Bureau and that they have asked and been denied the OCC tapes to information. He said what is happening right now is that the Lieutenant and the assigned Inspector are meeting right now with the Attorney General's Office to determine jurisdiction and where they will go based upon the information they received. He said he would come back to the Chief with that information and then to the Commission by next week.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had two items: 1. Visit of President George Bush. He then had Deputy Chief Lau give the Commission an update. Chief Lau spoke in regard to amount of preparation on readiness for the event and then turned the discussion over to Commander Isiah Nelson. Commander Nelson said although there were attempts to blockade the

motorcade they were able to get the President into the Hilton and out without too much of an incident occurring. In concluding, he said, one arrest was made where an individual assaulted an officer with a crutch.

The Chief then said the next item is the discussion they had last week on the Police Chaplain issue. He said the Department has a General Order 0-3 which is the only thing the Department has that refers to Police Chaplains. He then read the Order. He then said there is also an information bulletin that says the Department has 11 Chaplains which has now been reduced to 9 as two have recently retired. He said they pass a variety of religious faiths, a Rabbi of the Jewish Faith, Baptist, Roman Catholic, Greek Orthodox, Methodist, Interdenominational Protestant and in two cases they have two additional Ministers, two Roman Catholics and two Baptists and that is mainly because of the volume of request for service.

After further discussion, Commissioner Craig asked Deputy City Attorney Mara Rosales to look into the position of SF Police Chaplain as far as possible litigation occurring against the City as a result of some of the counseling undertaken by SF Police Chaplains.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director, introduced Mr. John Parker as a Senior Investigator for the OCC. Mr. Langer said Mr. Parker is a former member of the Oakland Police Department. He then presented the OCC's New Organization Chart to the Police Commission.

OCC DIRECTOR'S REQUEST FOR APPROVAL OF THREE (3) TEMPORARY ADJUNCT STAFF ATTORNEYS FOR THE OFFICE OF CITIZEN COMPLAINTS

Mr. Langer said he has submitted the supplemental to the Mayor's Office and he received some very encouraging news yesterday. He then mentioned that he had given the Commission the names of three (3) Pro Bono attorneys last week along with their resumes and he would ask that they be approved at this time with the proviso that they would have to, in their capacity of reviewing cases prior to the time of the OCC sustaining them, sign a confidentiality waiver.

Commissioner Keker said the Commission should ask Deputy City Attorney Mara Rosales to draw-up, instead of just a confidentiality waiver, an actual agreement which he believes she is prepared to do making very plain the obligations of the Pro Bono Attorneys to abide by the same confidentiality rules that the Staff of the OCC has done. He said he would move approval, it was then unanimously approved.

RESOLUTION NO. 272-90

OCC DIRECTOR'S REQUEST FOR APPROVAL OF THREE
TEMPORARY ADJUNCT STAFF ATTORNEYS FOR THE OFFICE OF
CITIZEN COMPLAINTS

RESOLVED, that the Police Commission hereby approves the request of Mr. Michael Langer, Director, Office of Citizen Complaints, for approval of three (3) adjunct Staff Attorneys for the Office of Citizen Complaints.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

CONTINUATION OF PUBLIC DISCUSSION ON OCTOBER 6, 1989
ACT-UP DEMONSTRATION IN THE CASTRO DISTRICT

Commissioner Craig said she had some specific concerns after the last hearing on this matter which she will address to the Commission this evening in regards to the ACT-UP Demonstrations. One specifically was to response time. Another was to OCC notification as to number of demonstrators and police officers or other information as to the anticipated scope and scale of that demonstration that is supposed to be provided to OCC. She said the two documents they wanted and did not receive in a timely manner were, the After Action Report and the Situation Report and the Situation Report was not provided because she understood that one was not filed and the After Action Report was filed not only well after the event but also some days after these 23 questions had been presented by the Commission. Afterwards, she said what she feels to be the underlying question and what has been told to her by many members of the community and felt in the public to be the bottom line question is, was this demonstration treated differently than any other demonstration and why? She said it seems that the Administration constantly butts up against the question of pending disciplinary hearings and the problems of pending litigation and issues which we may be prohibited from exploring in the public forum. She said it seems that the Commission cannot afford to not understand its situation and the policy issues that may arise there and to wait for the time that passes before we might get to that point of disciplinary hearings and other actions to reveal those answers to us. She said so she would like to suggest, as a possible remedy, so that they might defer the inquiry to explore those questions, that the Commission might schedule an Executive Session with the Chief and with other officers involved in the planning and executions of this event so that they may ask those questions having to do with potential litigation in Executive Session and receive the answers that they may determine whether or not they have to do with policy or policy direction and that may be in the public interest to disclose.

Commissioner Medina said he would like to second Commissioner Craig's motion. It was then unanimously approved.

COMM. CRAIG: "I also would just like to state that the Mayor, in his State of the City Address, has publicly called for all OCC charges that are sustained to come to this Commission and he further reiterated in his open letter to the Lesbian and Gay

Community a response to the October 6, 1989 episode that he would specifically like that all of the findings that OCC sustains also, specifically, to come to this Commission. I know that there is a progress on-going to find a way in which that can be done in keeping with the language of the charter in whichever way we can work out a process for this to happen. I would still like to ask the Chief to make every endeavor to see that OCC charges in this case would come, as much as possible in their entirety, to this Commission. In those findings where the Chief finds that in his determination there is insufficient evidence or where he would rule it proper conduct on the part of the individual officer charged. If we could receive a listing of those charges of which he has not been able to sign off in a verified complaint so that this Commission is at least aware of those charges that we will not be getting but which has been sustained by OCC. I spoke with the Chief and I also spoke with the City Attorney and they don't see any legal impediment to doing that so I would also like for us to give this charge to the Chief as well."

COMM. GIRAUDO: "Let me make sure that I understand what you are asking for you are simply asking that if he does not sustain that they be forwarded to the Commission for the Commission's knowledge, you are not asking him to sign a verified complaint."

COMM. CRAIG: "That is correct."

COMM. KEKER: "I so move."

COMM. MEDINA: "Second."

COMM. GIRAUDO: "All those in favor?"

Unanimous ayes.

REQUEST OF THE CHIEF OF POLICE FOR HEARING TO
ESTABLISH COMMISSION POLICY REGARDING FILING OF
ANNUAL SWORN STATEMENTS AS REQUIRED BY SECTION 1095
MUNICIPAL POLICE CODE

Motion by Commissioner Keker, second by
Commissioner Medina.

RESOLUTION NO. 274-90

POLICE COMMISSION POLICY REGARDING FILING OF ANNUAL
1095 MUNICIPAL POLICE CODE FORMS

WHEREAS, the request from the Chief of Police for a hearing to determine Police Commission policy regarding the filing of annual 1095 Municipal Police Code forms was called, it having been set for this date; and

WHEREAS, Officer Linda Flanders, Taxicab Section, appeared on behalf of the San Francisco Police Department and stated the Taxicab Section's recommendation; and

WHEREAS, Officer Flanders recommended that Motor Vehicle for Hire permit holders be required to appear in person at the Taxicab Section every third year to file the annually required 1095 Municipal Police Code forms, with notarized 1095 MPC forms allowed during alternate years; therefore be it

RESOLVED, that it is the order of the Police Commission that Motor Vehicle for Hire permit holders be required to appear in person at the Taxicab Section every third year to file the annually required 1095 Municipal Police Code forms, with notarized 1095 MPC form allowed during alternate years. The next personal appearance required year shall be 1992 and will be each third year thereafter.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

PUBLIC HEARING ON SAN FRANCISCO POLICE DEPARTMENT INTELLIGENCE ISSUES

Commissioner Giraudo said that the Public Testimony had already been heard on this issue and it is the desire this evening to hear the response of the Police Department and any recommendations. He said the Commission then will schedule again a Public Hearing to discuss what the Department raised this evening where both the Commission and the public will have an opportunity at that time but this evening the Commission is simply going to hear from the Department.

Chief Jordan said he would follow two (2) approaches and first, he would ask Lieutenant Peter Otten, Commanding Officer of Intelligence, to give an explanation of exactly what the unit is designed to do and then he (Chief) would answer three (3) questions about what the differences are between Criminal Intelligence and Political Intelligence when you are dealing with crowds. He said, and also, Information Sharing, the kind of information sharing the Department does with the Federal Agencies or Foreign Governments. He said he has had the Department Staff Inspection Unit do an evaluation of the Intelligence Unit just for his own edification because as he continues to say and maintain that the Department has Criminal Intelligence but not Political Intelligence.

The Chief then had Lt. Peter Otten give the Commission an overview of the numbers of personnel, amount of budget and scope of the functions of the Intelligence Unit.

The Chief then gave the Commission copies of a draft of a Department Order which he said the purpose is to set forth Department policy on police response to non-criminal political demonstrations.

Commissioner Lee, in following-up on Commissioner Medina's suggestion to hold a public hearing on the issues, made a motion to that effect and it was seconded by Commissioner Craig and unimously approved for Public Hearing three weeks hence.

Chief Jordan said the Department would put out a Special Order on the draft he had just read to the Commission for all members and the public to see until the matter is subsequently finalized.

RESOLUTION NO. 277-90

HEARING OF POLICE OFFICER STEPHEN H. GLICKMAN,
TARAVAL STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Stephen H. Glickman, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the date for the hearing of Officer Glickman be continued to February 21, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Stephen H. Glickman is continued to Wednesday, February 21, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 275-90

STATUS REPORT ON OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Denis P. Joyce, Northern Station, was called it having been scheduled for this date; and

WHEREAS, Dr. Parsons, the Department's physician, reported that Officer Joyce's weight was now in compliance and that Officer Joyce was scheduled to report to him again in another month; therefore, be it

RESOLVED, that the date for the next status report on the disciplinary charges filed against Police Officer Denis P. Joyce will be on Wednesday, March 14, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 273-90

OCC BUDGET FOR FISCAL YEAR 1990-1991

RESOLVED, that the Police Commission hereby approves the budget for Office of Citizen Complaints for Fiscal Year 1990-1991 as per attachment.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

PRESENTATION OF SAN FRANCISCO POLICE DEPARTMENT
BUDGET FOR FISCAL YEAR 1990-1991

Lieutenant John Robinson of the Fiscal Section presented the Budget to the Commission and asked that it be calendared next week for Public Hearing and final approval.

HEARING OF POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC
ENFORCEMENT AND INVESTIGATIONS

The hearing of the disciplinary charges filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations, was called it having been continued from the meeting of January 31, 1990. Officer Joseph C. Kirley was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Joseph C. Kirley appeared in person and was represented by Mr. Jerry Spolter, Attorney at Law.

The following witness was called by the Prosecution, was sworn and testified:

Josepha Moseley, 425 California St.,
San Francisco, CA

The following witness was called by the Prosecution, having previously been sworn testified:

Officer Joseph Kirley, Company K

The following exhibits were entered into evidence by the Defense:

Exhibit F Letter from Daniel Silva, Executive Officer, OCC, to Officer Joseph Kirley dated 5/20/87, Re: O.C.C. File No. 0-1181-86

Exhibit G One 3x5 Color Photo depicting Officer Kirley and a Mr. Shofler

Exhibit H One 3x5 Color Photo depicting Mr. Shofler and Ms. Moseley

The following exhibit was entered into evidence by the Prosecution:

Exhibit #4 OCC 10/14/86 Statement from Josepha Moseley, 2241 - 15th Street, San Francisco, CA 94114

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, and the following action was taken:

After a request for a roll call vote by Commissioner Kecker, Commissioners Craig, Giraudo, Kecker and Medina voted to sustain and Commissioner Lee voted to not sustain the charges.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by Chief Jordan:

SPECIFICATION NO. 1

Thirty (30) days suspension, 15 days to be held in abeyance for one year.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 276-90

DECISION - HEARING OF POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND INVESTIGATIONS

WHEREAS, on February 22, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Joseph C. Kirley, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Joseph C. Kirley, Star No. 1958 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Special Operations Bureau - Traffic Enforcement and Investigations;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about October 12, 1986, between approximately 1130 hours and 1630 hours a demonstration occurred at the Spanish Cultural Center located at Alemany Boulevard and Farragut Street. The accused was detailed to work the demonstration;
- (4) On or about October 12, 1986, at approximately 1300 hours a citizen who was participating in the demonstration, walked across Alemany Boulevard in compliance with police orders and was shoved by the accused. The citizen was then struck on the neck from behind with a baton by the accused and fell to the ground. The accused then continued to strike the citizen with his baton and kicked the citizen while the citizen was on the ground;
- (5) The citizen did not resist, attack or threaten the accused prior to being shoved, kicked and struck by the accused;

- (6) The accused, by shoving a citizen who was participating in a demonstration, by striking a citizen with his baton in the neck without cause, and by kicking and striking the citizen with his baton after the citizen fell to the ground, without cause, has used unnecessary force which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 9, 1989; Wednesday, November 15, 1989; Wednesday, January 31, 1990; and Wednesday, February 7, 1990, and on Wednesday, February 7, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Joseph C. Kirley are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Eleven (11) days suspension

and be it further

RESOLVED, that the eleven (11) calendar days suspension shall commence on Friday, February 16, 1990 at 0001 hours and end Monday, February 26, 1990 at 2400 hours.

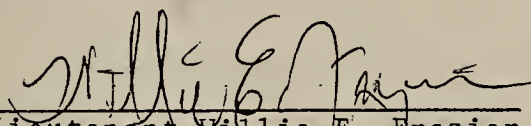
AYES: Commissioners Craig, Giraudo, Keker, Medina
NAY: Commissioner Lee

Recesses taken during the hearing of Officer Kirley:

8:50 p.m. to 8:51 p.m.
10:08 p.m. to 10:43 p.m.
10:46 p.m. to 11:07 p.m.

(The entire proceedings were taken in shorthand form
by Ms. Linda Pransky, CSR.)

The meeting, thereafter, adjourned at 11:10 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5617M

[MINUTES]

FEBRUARY 14, 1990

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, February 14, 1990 at 1600 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference
 - a. W. Young vs. CCSF
2. Personnel Matter
 - a. In Camera Review of Documents

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FEBRUARY 14, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, February 14, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

APPROVAL OF MINUTES OF MEETING OF OCTOBER 25, 1989

Approval of Minutes of Meeting of October 25, 1989, the Commissioners (Commissioner Keker not voting) having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 291-90

REQUEST OF THE CHIEF OF POLICE FOR POLICE COMMISSION
APPROVAL OF ACCEPTANCE OF A GIFT OF WANG DISK DRIVE
AND TEN DISK PACKS

WHEREAS, Krames Communication of Daly City has generously offered to donate a Wang 75 megabyte removal disk drive and ten disk packs for use with the Department's Wang VS computer, and

WHEREAS, the Wang 75 megabyte removal disk drive and ten disk packs will provide additional online storage and retrieval, and

WHEREAS, the value of the Wang 75 megabyte removal disk drive and ten disk packs is fourteen hundred and fifty dollars (\$1,450.00), and

WHEREAS, Section 10.116 of the San Francisco Administrative Code permits department heads to accept gifts for departmental use valued at five thousand dollars (\$5,000.00) or less, now therefore, be it

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of a Wang 75 megabyte removal disk drive and ten disk packs from Krames Communications of Daly City.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 292-90

APPROVAL OF RENEWAL AGREEMENT FOR STATEWIDE PRISONER
TRANSPORTATION

WHEREAS, there has been an agreement between the Board of Supervisors of the City and County of San Francisco and the Board of Supervisors of the County of Los Angeles since 1984 for the transportation of prisoners by the Los Angeles County Sheriff's Department; and

WHEREAS, in order for the services to continue, a new agreement must be executed by the Board of Supervisors of the City and County of San Francisco; and

WHEREAS, it is the recommendation of the Police Commission that these services be continued and a new contract executed; therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby requests that the attached draft ordinance authorizing the City and County of San Francisco to enter into an agreement with the County of Los Angeles for the transportation of prisoners be forwarded to the Board of Supervisors for their adoption.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 293-90

WALTER A. YOUNG vs. CITY AND COUNTY OF SAN
FRANCISCO, et al

RESOLVED, that judgment made in the amount of \$199,998 plus 10% interest from the date of entry of judgment on August 24, 1987 to date of payment to Walter A. Young in Superior Court No. 818-111, Appellate Court No. A040398, for damages sustained, be, and the same is hereby approved.

Date of Incident: March 31, 1983

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 294-90

WILLIAM PARK ROBERTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Park Roberts in the sum of \$2,480.13 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 295-90

CSAA INS. & GARY or JUDY C. MA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSAA Ins. & Gary or Judy C. Ma in the sum of \$1,297.36 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 23, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 296-90

BETTE RILEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bette Riley in the sum of \$596.99 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 6, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 297-90

SUPER TOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Super Tow in the sum of \$420.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 9, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 298-90

THERESA D. PAGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theresa D. Page in the sum of \$255.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 299-90

AMY ALLISON LARSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy Allison Larson in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 300-90

STACEY DARAIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stacey Daraio in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 301-90

GREGORY MITCHELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory Mitchell in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 302-90

GARRETT W. BURDICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Garrett W. Burdick in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 303-90

JORGE MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jorge Martinez in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 304-90

CHRIS BURNS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Burns in the sum of \$152.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 305-90

MARGUERITE F. BENN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marguerite F. Benn in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 306-90

JIM ZHAU YU ZENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Zhau Yu Zeng in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 307-90

ROBERT G. TUNNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert G. Tunnell in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 308-90

MIRIAM A. BITUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miriam A. Bituen in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 309-90

JANICE BOTTEN

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Janice Botten in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 310-90

CESAR FIESTAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cesar Fiestas in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 311-90

AMANDA R. FLYNN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amanda R. Flynn in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 312-90

AMY WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy Wong in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 313-90

ABDO A. MANA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Abdo A. Mana in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 314-90

STACIA MARIE BODEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stacia Marie Bodeman in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 6, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 315-90

JESUS JIMENEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jesus Jimenez in the sum of \$100.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 316-90

ANNA C. HEJINIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna C. Hejinian in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 17, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 317-90

LORRAINE WOODRUFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorraine Woodruff in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 28, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 318-90

PAVEL ZAYTSEV

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pavel Zaytsev in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 319-90

PETER CIDDIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Ciddio in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 320-90

RAE TRAVENS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rae Travens in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 7, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 321-90

YOKO N. TANAKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yoko N. Tanaka in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 22, 1988

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 322-90

MARK DIGINOVANNI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Diginovanni in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 323-90

KATHLEEN M. RINGWALD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen M. Ringwald in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 324-90

JESUS SANTOS ALFARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jesus Santos Alfaro in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 325-90

BRUCE COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Cook in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 326-90

PAUL CARDOZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Cardoza in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17 or 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 327-90

FREDERICK TOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frederick Tom in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 328-90

DOROTHY M. PHILLIPS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy M. Phillips in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 329-90

JEAN-CLAUDE MATHAETE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jean-Clude Mathaete in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 28, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 330-90

ELWIN WAH ONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elwin Wah Ong in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 331-90

ALEX FLAGG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alex Flagg in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1989

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 331-90

MICHAEL M. KIMIYAIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael M. Kimiyaie in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 333-90

JAMES A. METZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James A. Metz in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 334-90

JIM LIU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Liu in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1990

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met today in Executive Session on one, to review some Audio Tapes "In Camera" and two, to review Litigation Matters and one Personnel Matter and no votes were taken.

Commissioner Craig then made a report on a meeting held yesterday with herself and Commissioner Lee, Deputy Mayor Gayle Orr-Smith, Assistant Chief Willis Casey, members from the City Attorney's Office and the Consent Decree Staff to review the 1990 Consent Decree Objectives and to receive an update on Consent Decree Compliance and the Department's performance in Recruitment, Training and an overview of the EEO (Equal Employment Opportunity) Department and the Department's P-1 Transfer Policy. She said they developed a greater understanding of the Goals yet to be achieved and the directions in which the Department is headed.

(a) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Medina said his Police Commission Committee had previously scheduled a hearing on New Directions for Youth Services on February 20, 1990, and a number of the groups that planned to attend that meeting had asked him to re-schedule it for February 27, 1990. He said this was due to the fact that the Board of Supervisors have scheduled their hearing on the same matter on the same day and at the same time so he would request that it be reset for Tuesday, February 27, 1990 from 3 to 5 PM in the Police Commission Hearing Room. This was treated as a motion, seconded and unanimously approved.

(b) PUBLIC COMMENTS

Mr. John Crew, ACLU, requested a clarification of some matters on the Intelligence Policy issue discussed last week. He said he wanted to encourage the Commission to have a more open ended public discussion on the issue. He said they (ACLU) are asking that the Commission develop a policy for the Department not an ordinance, a policy that is modeled on the Seattle Washington Ordinance so that it would be a policy for the Department.

Assistant Chief Casey said the Department will be ready to respond to any questions concerning the SFPD vis a vis the Seattle Ordinance or any other ordinance when the matter comes on for hearing.

Mr. John O'Brien, member of the working group of ASAP (Alliance to Stop Abusive Police), said he had obtained a copy of the SF Police Intelligence Division guidelines for general crimes and organized crimes. He said since this was not what they felt was in line with constitutional guarantees, they have prepared and are now submitting to the Commission a policy which would be more suitable to their needs.

Mr. Ed Burke, President of the Cab Drivers Association of San Francisco, said he was here to voice a concern about Mr. Desta's rickshaw business which is going before the Board of Permit Appeals. He said he would ask that the Commission make sure that all of the Department's evidence is sent to them when that hearing is held.

Mr. Terry Evans, inquired as to how the investigation of the incident of the Federal Officer's actions against a demonstrator during the January 23, 1990, demonstrations at the Federal Building were proceeding. He said he had been promised he would be told the results of that tonight.

Chief Jordan advised Mr. Evans that Deputy Chief Reed said that the matter was still under investigation and there is still more information to follow up on the Federal side. He said it may be completed by the next Police Commission Meeting.

Robert Miller reported that someone had been trying to steal her car. She said three (3) attempts had been made and she was wondering if the Commission could address this.

Chief Jordan advised her to give a member of his staff her name and phone number and the matter would be investigated.

Mr. Jote Kajella, taxi driver, asked if Commissioner Giraudo had received a copy of Mr. Jerry Lee's report of the current situation of cabs in the city. Commissioner Giraudo advised him that he had just received it but had not had the time to read it.

Mr. Yossedek Desta, cab driver, wanted to know if there would be specific discussions on Mr. Jerry Lee's report later or if he could make a comment on it now.

Commissioner Giraudo advised that the Commission was not going to have discussion on Mr. Lee's report but that the Commission would be setting a date for PC&N and then at that time public hearings would be held on Mr. Jerry Lee's report, Mr. Desta's report and anybody else's who wants to put something into the issue of PC&N.

PUBLIC HEARING ON SAN FRANCISCO POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 1990-1991

Lieutenant John Robinson of the Fiscal Section came forth and presented to the Commissioners the corrected information from last week's presentation on the budget. He said they have made the adjustment as suggested by the Commission which shows a Stable Alarm System (Golden Gate Park SFPD Mounted Stables). He said they have also been asked by the Chief to add a Public Affairs Consultant to this incremental list. He said this will change the previous total by \$60,000. Commissioner Lee then made a motion to accept the Police Department Budget for Fiscal 90/91, it was seconded by Commissioner Craig and unanimously approved.

RESOLUTION NO. 285-90

SAN FRANCISCO POLICE DEPARTMENT OPERATING BUDGET FOR FISCAL YEAR 1990-1991

RESOLVED, that the Police Commission hereby approves the attached operating budget of the San Francisco Police Department for Fiscal Year 1990-1991.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said today, being Valentine's Day, the SFPD is involved with the Arrest Hunger program. He said the Glide Church also with the SF Labor Counsel provided funds through the expertise and assistance of Bob Morales. And knowing that they are heavily involved in all of the homeless issues around SF and they are not criminal justice issues but they are part of the on-going police problem, they had volunteer officers and officers who came along during their lunch hours to help feed 5,000 homeless people today. And he said, since it is Valentine's Day, they wanted to show that police officers have a heart too and are sensitive to the needs of the homeless here in San Francisco.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said for several months they have been working on a project with Management Control to make sure that all of their cases are accounted for and that everything that has been sent to the Department has been properly noted and accounted. He said he was happy to say that every single case is properly accounted for. He said he wanted to compliment Captain Tedesco as he has been extremely helpful in bringing this about. He said he believes that the Department and the OCC will now have consistent statistics in the future. He then said on a negative note the issue of video taping demonstrations has become a matter of concern as he had received from the FBI a request for OCC video tapes of the January 23rd Demonstration and he told them no. He said thereafter, he received a subpoena from them and he requested that the City Attorney's Office file a motion to quash it and they are presently working on the issue. He said he would ask that the Commission issue him some guidance and perhaps hold some discussion at a future meeting on the continuance of the OCC video taping of demonstrations as while it serves a good purpose there are many negatives that may arise out of it.

Commissioner Craig suggested, after receiving advice from Deputy City Attorney Mara Rosales about the City Attorney's efforts to quash the subpoena, that the matter be continued for three (3) weeks for further discussion at that time. It was treated as a motion, seconded and unanimously approved.

PUBLIC HEARING ON COMMUNITY SERVICES/COMMUNITY RELATIONS UNIT

Captain Larry Minasian, Commanding Officer of the Community Services Unit, gave the Commission a brief overview of the services provided by the unit. He said his perception of the unit is to be the representative of the Chief and the Department and all of the different segments of the community and to present a means of outreach on their part to let them know that there is someone who will listen and try to address the problems and concerns that they have and to make themselves as available as possible.

Commissioner Craig said it would be helpful to them, the Commissioners, if they could get a listing of those members of his department so that they, who are also active in community work, could refer persons or know who to contact to do the proper follow-up in various communities.

Ms. Jill Tregor, CUAV, she said she just wanted to make one brief suggestion that if the Commissioners were interested in knowing more about Community Services, it has been CUAV's experience that they have a very, very fine Community Services Unit but they don't really have anything to compare it to and she wanted to make a suggestion that perhaps research could be done as to what is being done in other cities to see if there is any place that this unit could expand its work. She said Suzanne Wanda from SF SAFE said that she actually has already done some of that research and would be happy to provide the material that she has. Ms. Tregor continued by saying so from a CUAV point of view the SFPD Community Services Unit is a unit that is always there and available to them (CUAV) and they couldn't be happier with the amount of access they have to that unit but they are also limited only by their imagination.

SETTING OF DATE FOR HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR TAXICAB PERMITS

Commissioner Giraudo after discussing a starting time with fellow Commissioners said what he would like to do is start in mid-April and he said to Sergeant Gary Manini that he would propose that the Sergeant organize the hearings in such a way that he make it known to all the organizations that the Commission is more than anxious and happy to hear from them and their opinions and that the Commission would like for them to do written submittals prior to PC&N, that the Commission would appreciate organized comments in an orderly fashion, speaking to the issues to try to erase the emotional testimony that has been given in the past, and that all sides be represented and if anybody insists upon speaking they will be allowed to speak but the Commission would prefer they try and discipline their own organizations so that there will not be repetitious testimony. Commissioner Medina said he would make a motion for this to be heard on April 11, 1990, Commissioner Craig seconded and it was unanimously approved to commence at that time.

RESOLUTION NO. 286-90

SETTING OF DATE FOR HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR TAXICAB PERMITS

WHEREAS, the setting of a date for a hearing on the Public Convenience and Necessity for Taxicab Permits was called, it having been set for this date;

WHEREAS, it was requested by the Police Commission that the hearing on Public Convenience and Necessity for Taxicab Permits be set for April 11, 1990; therefore be it

RESOLVED, that the hearing on Public Convenience and Necessity for Taxicab Permits be held on Wednesday, April 11, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 287-90

HEARING ON TAXICAB PERMIT APPLICATION OF LEGESSE ABEBE

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Legesse Abebe appeared at a Public Convenience and Necessity hearing held on Wednesday, February 14, 1990; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, February 14, 1990, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore, be it

RESOLVED, that Legesse Abebe appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Legesse Abebe.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 288-90

HEARING ON TAXICAB PERMIT APPLICATION OF EDWARD E. CHRISTIAN

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Edward E. Christian appeared at a Public Convenience and Necessity hearing held on Wednesday, February 14, 1990; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, February 14, 1990, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore, be it

RESOLVED, that Edward E. Christian appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Edward E. Christian.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 289-90

HEARING ON TAXICAB PERMIT APPLICATION OF GANANA TESFA

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Ganana Tesfa appeared at a Public Convenience and Necessity hearing held on Wednesday, February 14, 1990; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, February 14, 1990, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore, be it

RESOLVED, that Ganana Tesfa appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Ganana Tesfa.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Keker

RESOLUTION NO. 290-90

HEARING OF POLICE OFFICER WILLIAM S. TAYLOR,
PERSONNEL DIVISION

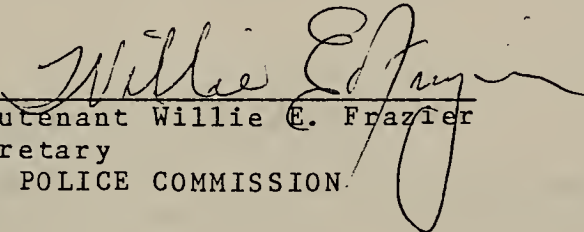
WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission that the date for the hearing of disciplinary charges filed against Officer Taylor be continued to April 4, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer William S. Taylor is continued to Wednesday, April 4, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Craig, Giraudo, Lee, Medina
ABSENT: Commissioner Kecker

The meeting, thereafter, was adjourned at 7:06 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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4/90
MARCH 7, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 7, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 15, 1989

Approval of Minutes of Meeting of November 15, 1989, the Commissioners (Commissioner Keker not voting) having received, approved and returned copies of same.

DOCUMENTS DEPT.

JUN 21 1990

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

PUBLIC LIBRARY

RESOLUTION NO. 357-90

PAUL CONNOLLY vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Paul Connolly in the amount of \$3,000.00 entitled "Paul Connolly vs. CCSF" in Superior Court No. 893-480 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 358-90

KURT C. NELSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kurt C. Nelson in the sum of \$1,078.68 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 18, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

RESOLUTION NO. 359-90

PIERRE CARTER vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pierre Carter in the sum of \$750.00 entitled "Pierre Carter vs. CCSF, et al" in Superior Court No. 841-494 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 11, 1984

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 392-90

STEVE BERRIOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Berrios in the sum of \$69.00 as a result of a damages sustained, be and the same is hereby approved.

Date of Incident: January 16, 1988

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 360-90

CORNELIUS BROWN, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cornelius Brown, Jr. in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 361-90

KARA BALABAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kara Balaban in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 362-90

FILLMORE D. MARKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fillmore D. Marks in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 363-90

JANA HUTCHESON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jana

Hutcheson in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 364-90

MONA M. KIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mona M. Kim in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 17, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 365-90

CARL TYLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carl Tyler in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 366-90

CHARLE BILLA-SHANNON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charle Billa-Shannon in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 367-90

NANCY L. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy L. Miller in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 368-90

RONALD E. CASH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald E. Cash in the sum of \$125.10 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 25, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 369-90

EDWARD EVERETT, IV

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Everett, IV in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 370-90

ORLANDO MARQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Orlando Marquez in the sum of \$125.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: January 23, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 371-90

DAY SHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Day Shu in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 371-90

RICHARD K. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard K. Smith in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 372-90

ROXIE BOYD

RESOLVED, that the recommendation of the City Attorney for settlement of the elaim of Roxie Boyd in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 373-90

ROXIE BOYD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roxie Boyd in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 374-90

SUNGKYU CHOI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sungkyu Choi in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 10, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 375-90

JOHN COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Collins in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 376-90

STEVEN McCALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven McCall in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 377-90

JOHN H. MELLARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John H. Mellard in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 378-90

JAY K. OSBORN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay K. Osborn in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 379-90

GWENDOLYN ROTHMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwendolyn Rothman in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 380-90

SHERRI L. HARDING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sherri L. Harding in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 381-90

ROBERTO DURANTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roberto Durante in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 30, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 382-90

FRANCINE DE SILVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francine De Silva in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 383-90

THOMAS JENNINGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Jennings in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 384-90

NIKKI FRIED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nikki Fried in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 385-90

NISSIM LANYADOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nissim Lanyadoo in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 386-90

STEVEN McCALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven McCall in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 387-90

STEVEN ESSOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the elaim of Steven Essock in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 388-90

ROLDOLFO MENDOZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roldolfo Mendoza in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 389-90

PAUL MAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul May in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 390-90

CLAUDIA DRUTCHAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claudia Drutchas in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1990

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

RESOLUTION NO. 391-90

DAVID A. McKAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David A. McKay in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1989

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Medina

POLICE COMMISSION REPORT

Commissioner Giraudo said that the Police Commission had no report tonight. He then said that he wanted item 8 moved up prior to the item for Public Comments.

ACTION REGARDING THE FEDERAL GRAND JURY'S SUBPOENA OF OCC VIDEO TAPES

MR. BURK DELVENTHAL, DEP. CITY ATTY: "I understand last week Mr. Langer reported on advice we had given him regarding his duty to hand over to a Federal Grand Jury a video tape of the demonstration that occurred on January 23rd down at the Federal Building. As a matter of fact I recall walking to work that morning and coming across some of the Commissioners also inspecting the demonstration. Mr. Langer was very concerned about the problem, this would pose for his office in view of the fact that they are gathering evidence to investigate citizens complaints and were concerned about prosecuting agency using that evidence and so we took a very careful and a round look at whether we could assert any privilege to the power of the Federal Grand Jury to obtain that tape. We got two (2) continuances from the U.S. Attorney for us to research this issue and we finally concluded that we could not, in good faith, assert any privileges basically the law allows the Federal Grand Jury access to any evidence that is relevant to any criminal conduct unless it is privileged either in the Federal Statutory Law or Federal Common Law. And the only privilege we could consider asserting is the privilege in the Penal Code which makes confidential evidence gathered in connection with the investigation of Citizens Complaints. The problem is that's a State Statutory Privilege and when the 9th Circuit was asked to rule on whether a State Statutory Privilege immunized state documents from the Federal Grand Jury the Court ruled, the answer was no, that you have to either find it in the Federal Statutes or in the Federal Common Law and in the particular 9th Circuit cases said that the State Psychotherapist Privilege is a State Statutory Privilege and was not privileged vis a vis the Federal Grand Jury. So on that basis we advised Mr. Langer that he must turn over the tapes. After the Commission expressed its concerns last week, we did arrange for a further continuance from the U.S. Attorney so that I could come down and explain the basis for our advise this evening and I am prepared to answer any questions the Commission has."

Commissioner Keker said he would just like to make one statement he called as he was concerned about it and it does have to be turned over if they want it so, he said, he called the Chief of the Criminal Division in the U.S. Attorney's Office and said that we understand why they want it they are investigating what they think is a potential criminal case but that the effect of it might be that because of concerns about surveillance and misuse of OCC Investigatory materials that the Commission would end up directing the OCC not to tape demonstrations anymore and that he thought that that was a serious thing and that the U.S. Attorney's Office ought to take into account and really think about how much they needed it and to try to avoid that outcome and he called Commissioner

Keker back this morning and said they thought about it and they still wanted the tapes. Commissioner Keker said that so he finds it discouraging and doubts that the Federal Prosecutorial Authorities will ever give the Department much difference when it comes to this kind of consideration and he thinks it is something the Commission needs to deal with here.

Commissioner Medina said his concern is how far will they go, will they request to look at OCC files? He said if they are able to get the OCC Tape and the Department accedes and allows this where is the line going to be drawn in terms of where they will stop.

Mr. John Crew, ACLU, said the ACLU really appreciates this concern and recognition of the sensitivity of this issue as it is very encouraging. He said he thinks it is very important to remember what the FBI and what the Grand Jury is after in that it is not Federal Civil Rights Violations, in fact, he said to his knowledge they have not shown an interest records on police misconduct issues, the only time that he was aware of is the Larry Lumpkin case four (4) years ago and that is because some complainants requested the FBI Investigations and there are literally hundreds of OCC cases every year that if proven could involve violations of Federal Civil Rights Law and yet they have shown no interest in that. He said this Grand Jury in large part is looking into flag burning which is a minor misdemeanor. He said you have two (2) judges saying now that it is unconstitutional yet they are headed down this path without apparent any concern for the Civilian Review Process. He said he thinks they should consider also that it is not just a question of the video taping. This may not be an isolated incident, the Commission may be aware of the Horace Mann incident about a month ago where a teacher burned a flag in class. The FBI wanted to question the students, the school district said no, "we have a policy that says that we should get the parents permission first", and the FBI essentially said no, "we are the FBI", they came in, eight (8) FBI Agents armed with doughnuts for the kids, took 106, 12 and 13 year olds, spent two and one half hours questioning them, not only about what they saw but about their views about flag burning, their parents views about flag burning, where their parents work and this is a school, Horace Mann, that has a heavy immigrant population. He said he will say why this is related because he was afraid this isn't the only time this will happen and the chilling effect argument, he thinks that the Commission has to consider not only how it handles this case but what it does after this to resolve this issue. He said the chilling effect is not just on demonstrators who may be on the OCC Video Tape but as Commissioner Medina pointed out other people who may file a complaint with OCC. He said if he is at a demonstration and he is a victim of police misconduct and somebody else that I am not related to burning a flag I am going to have to think twice about going to the OCC because the FBI, because of their zealotness to go after flag burning may subpoena my statement before the OCC may want to take me to the Grand Jury and that's a chilling effect that could have a very damaging effect on the OCC's ability to do it's job. He said it is not theoretical as they have already seen this effect from the Huerta Grand Jury last year. He said and Mr. Langer pointed out in December that in the

October 6th incident he only had about 35 complaints when he thought based on the public testimony made that maybe there should be about 80. He said so they really believe whatever the Commission does with this tape it needs to deal with this issue. He said Congresswoman Pelosi has already expressed concern to the FBI about how they handle the school incident and perhaps the Commission can use its influence to her involved in this case. He said he spoke with the Community Relations Division of the Justice Department which supports Civilian Review, generally, they indicated interest, this afternoon of somehow trying to mediate this dispute so if the FBI really needs access to certain records that some sort of process or agreement could be followed that would serve their interest yet protect the OCC. He said while they are normally mediating disputes between communities and the police department maybe they should mediate the dispute here between the process here in San Francisco and another are of their own Justice Department. He said so they would strongly encourage the Commission to realize and pursue once this particular issue is taken care of, some sort of process to lay down an agreement not only with the FBI, quite frankly, but with the SF District Attorney's Office as well so that this Civilian Review Process is protected.

Commissioner Giraudo said he did not know about the rest of the Commission but he thinks Mr. Delventhal's advise is clear and he also think he is correct and as he has expressed before it gives him great pause with respect to the OCC video taping demonstrations and he would like to calendar it for discussion, that very issue, perhaps dealing with the overall issue of how the Commission deals with the Federal Government, the FBI in the future as it applies to the Civilian Oversight of the OCC.

Commissioner Craig in agreeing with Commissioner Keker's suggestion of holding a Public Hearing on the issue said members of the public would be just as concerned about this issue as the Commission and it would be good if the Commission could have a little more clarification.

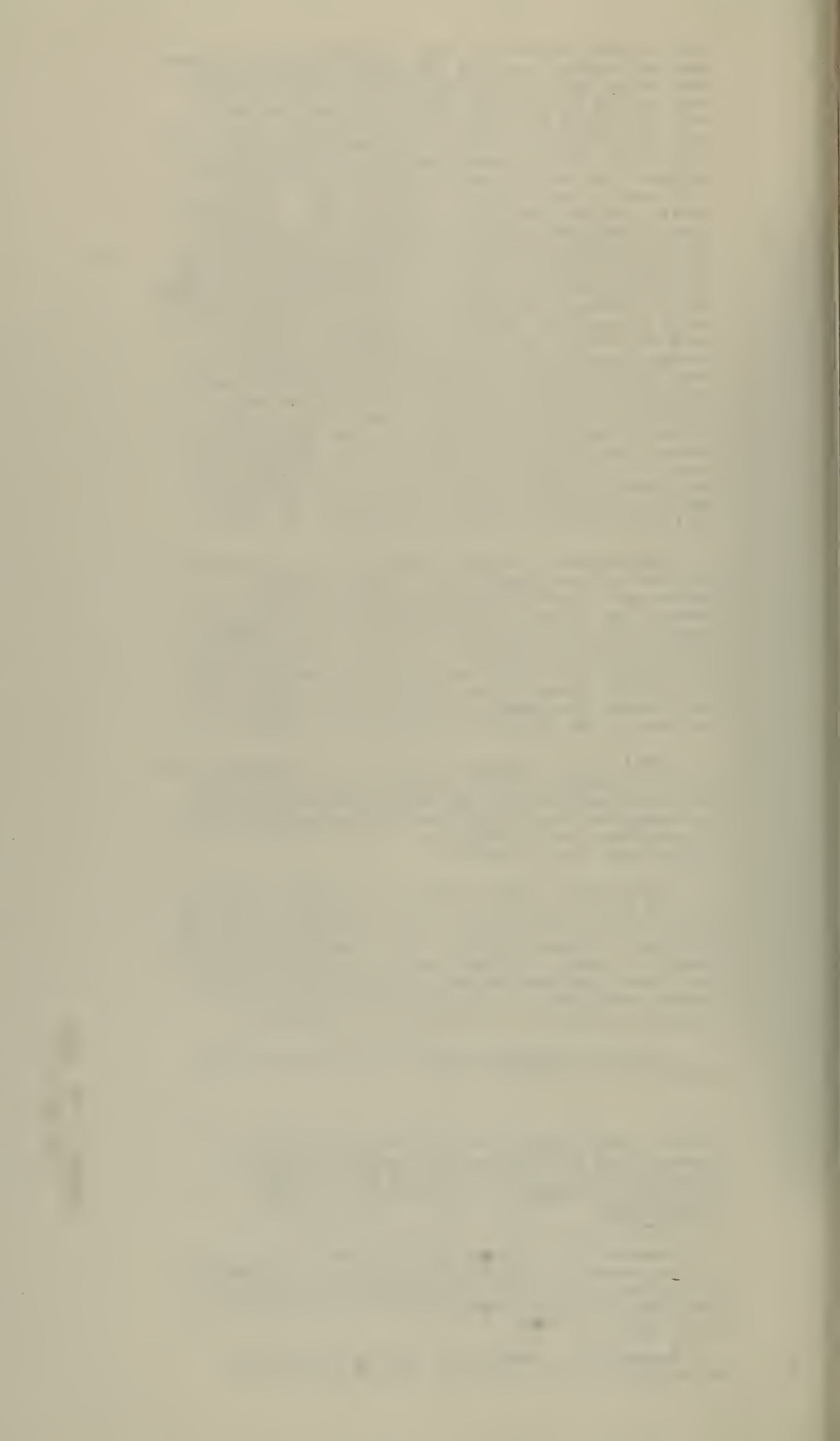
Commissioner Keker said that he would suggest, for the Public Hearing, to send a letter to the U.S. Attorney and ask that the U.S. Attorney or the U.S. Attorney's representative be here and explain to the Commission some of these events, a letter that sets forth what the Commission's concerns are and seeks advice from the U.S. Attorney about how the U.S. Attorney intends to deal with it in the future.

A public hearing on this issue was then agreed upon and set for April 4th.

POLICE COMMISSION DISCUSSION AND DECISION ON COMMISSION'S PROPOSED RULES GOVERNING TRIALS OF DISCIPLINARY CASES AND STANDING ORDER GOVERNING DISCOVERY AND OTHER MOTIONS AT DISCIPLINARY PROCEEDINGS

Commissioner Giraudo said this matter is not for public comments this evening and is for Commission discussion and he would ask Commissioner Keker to lead the discussion pursuant to the work he has been doing this past week.

Commissioner Keker said the Rules and the Standing Order has been the subject of two very



helpful public hearings and as a result he has amendments to propose to the Commission and they are set forth in this new written draft showing what has been taken out and what has been put back in. He then gave an overview of the amendments. He then spoke of one where a verified complaint being filed by the Chief of Police and the words Chief of Police will be deleted. He continued by saying that the main change in these rules is that they are being made explicitly as an experiment and in the last new item IV. REVIEW OF RULES which he then read "The Commission's Rules Governing Trials of Disciplinary Cases shall expire September 1, 1990, unless prior to that date the Commission evaluates the efficacy and fairness of these rules and, after conducting one or more public hearings on that subject, determines to continue in effect and/or amend these rules." He said what he had in mind for that subject to the other Commissioners' views is that sometime during the summer, after the Commission has had some experience with this, it would notice a Public Hearing on how they are working and whether or not the Commission wants to keep them in effect and whether or not they are going to change them. In addition, they would have at the same time Public Hearings on a Proposed Charter Amendment similar to the one Supervisor Hallinan is talking about, for in order to give the Commission an opportunity to consider the full scope of things that it might do including request to the Board of Supervisors to put a Charter Amendment covering some of these areas on the ballot and that the Commission then would have Public Comment on that whole broad subject this summer after the Commission has had some experience with individual Commissioners taking evidence. He then spoke about the other major change in the rules i.e., being the President's discretion to assign cases to a single Commissioner is somewhat limited from what it was before and he read into the record the change. He then said there are other minor changes that are designed to deal with the Public Trial Problem and he said those include the requirement that within 15 days of the assignment of a case the accused has to advise the Commissioner(s) who are hearing it whether or not the accused wants a Public Trial so that the scheduling can take place. He said there are other cosmetic changes to effectuate that but other than that the rules as originally proposed are going in. He then pointed out the amendments in the Standing Order. Afterwards he said those are the changes and they speak for themselves as they are based on the comments of the public and concerns expressed by Commissioners through their questions and the public.

Commissioner Giraudo, at this point, said he would like to thank Commissioner Kecker and Deputy City Attorney Mara Rosales for their efforts. He then made a suggestion as to the Draft Governing Trials of Disciplinary Cases and the term Full Commission being used a number of times and he was wondering if that shouldn't say quorum since it is sometimes difficult, as has been his experience, to have a full Commission available for these Hearings. He said also sitting as President he would not be sending cases to one or two Commissioners involving excessive force.

He said he thinks they are of such a nature they need to be reflected upon and considered by the entire Commission in terms of policy matters.

After further discussion Commissioner Giraudo said the Commission is talking about an experimental period on these proposals to see how they will work and he would concur with Commissioner Keker that the Commission amend the present draft and to accept Commissioner Craig's motion at the same time for an amendment to put excessive force cases before a quorum of the Commission and then his motion or suggestion to amend anywhere where the term full Commission appears to say, 'a Quorum of the Commission'. He then said based on those amendments and others as previously noted, is there a motion and Commissioner Medina said he would move to approve, Commissioner Lee seconded and it was unanimously approved for adoption. The Commission then stated that the proposals would be re-written to reflect the amendments and distributed.

RESOLUTION NO. 355-90

DISCUSSION AND DECISION ON COMMISSION'S PROPOSED RULES GOVERNING TRIALS OF DISCIPLINARY CASES AND STANDING ORDER GOVERNING DISCOVERY AND OTHER MOTIONS AT DISCIPLINARY PROCEEDINGS

WHEREAS, the Police Commission discussion and decision on the Commission's proposed rules governing trials of disciplinary cases and standing order governing discovery and other motions at disciplinary proceedings was called, it having been set for this date; and

WHEREAS, during the Commission's discussions specific amendments were made and adopted; therefore be it

RESOLVED, the Police Commission hereby approves the Proposed Rules as amended.

AYES: Commissioners Craig, Giraudo, Keker, Lee, Medina

(b) PUBLIC COMMENTS

Reverend Eugene Lumpkin, member of the Bayview Baptist Ministers Fellowship and former employee with the SF Senior Escort Program, said he was here tonight because there are some serious problems which he hoped that the Commission could help them with. He said there has been a re-alignment of the Program and they, the Directors, have done things that are not within the Civil Service Guidelines. He said he was asking that the Commission do an audit of the program and in the meantime have them cease and desist doing what they are doing now and get the program in line as it ought to be.

Commissioner Giraudo then advised Reverend Lumpkin that if he didn't mind that he should return next week and the Commission would calendar this for discussion and ask for a report from the Administrator of the Senior Escort Service to give an update on their present status, what offices are open, what offices are closed, what their plans are, and whether or not they have obtained the appropriate financing from the Board of Supervisors and the Mayor's Office to comply with the directive of the Board of Supervisors.

The next speaker, Ms. Diana Bullock, attorney National Lawyers Guild (NLG), she spoke of the January 23, 1990 demonstration at the Federal Building and of some Federal Officers randomly assaulting demonstrators. She said the Commission

should take the responsibility in an attempt to curtail the activity of the Federal Marshals at these demonstrations.

The next speaker, Mr. Cunningham, NLG, complained about the Inspector investigating this case in the matter of the Federal Marshals turning over names of witnesses and victims to the Federal Agency and their (victims and witnesses) getting subpoenaed by the Federal Grand Jury.

Deputy Chief Frank Reed explained as to how this matter came about and that the Inspector had advised the parties that anything they said would be reviewed by the FBI, thus warning them and giving them an opportunity to consider that before filing their charges.

Mr. Christopher Stone, Homeless Task Force, reported that three (3) weeks ago food was being served, with the help of police, at Glide Memorial Church and they have reports from people who were in the Civic Center Plaza that while they were at the church receiving this food, that was the same time that the Police Garbage Truck came through to remove the people's belongings.

Commissioner Giraudo said he finds that hard to believe when police would go out of their way to help feed people and then go out and take their belongings away at the same time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan advised he had no report tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said he had one brief item and that is that the City of Minneapolis has created an office similar to the OCC's and they were visited by the NBC affiliate on Friday who spent several hours with them doing video taping in the San Francisco OCC Office producing a three (3) part series that will be on NBC in Minneapolis. He said the OCC will be getting a copy of it and they will make it available to the Commission.

RESOLUTION NO. 356-90

STATUS ON HEARING OF POLICE OFFICER CLINTON COOPER, MEDICAL LIAISON

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Clinton Cooper, Medical Liaison, was called it having been continued from the meeting of February 28, 1990; and

WHEREAS, the Department physician attested to the fact that Officer Cooper is able to return to duty and therefor able to appear for his disciplinary hearing; therefore be it

RESOLVED, that the setting of date for the disciplinary charges filed against Police Officer Clinton Cooper is scheduled for Wednesday, March 14, 1990 at 5:30 p.m., Room 551, Hall of Justice.

AYES: Commissioners Giraudo, -Keker, Lee, Medina
ABSENT: Commissioner Craig

REQUEST FOR HEARING ON APPEAL OF CHIEF'S 3-DAY
SUSPENSION IMPOSED ON OFFICER MANOLETE ORTEGA,
POTRERO STATION

Lieutenant Frazier advised the Commission that he had told Officer Manolete when the appeal was filed that the officer or his representative or both should be here tonight for setting a date. Mr. Akins said the Charter calls for a hearing within 30 days unless there is a waiver and this would be a case that would fall under the new proposals category. Commissioner Giraudo advised Mr. Akins to invite the officer and his attorney to come here next week and if there is no one here next week the Commission will dismiss the appeal.

The following matters are closed hearings.

HEARING OF POLICE OFFICER DAVID A. FAINGOLD,
NARCOTICS DIVISION

The hearing of the disciplinary charges filed against Police Officer David A. Faingold, Narcotics Division, was called it having been set for this date.

Police Officer David A. Faingold appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Stephen Whitmore for the Defense.

An opening statement was made by Mr. Akins for the Prosecution.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Fabian Reeves, United Courier Service
Mr. Arthur Cruz, Parc 55 Hotel, 55 Cyril Magnin

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Partial transcript of OCC Interview
on 2/2/89 of Officer David Faingold

Exhibit #1 Partial transcript of OCC Interview
of 12/10/88 of Officer Sam Wong

The following witness was called by the Defense,
was sworn and testified:

Officer Sam Wong, Narcotics

The hearing was then continued to Wednesday, March 28, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Keker, Lee, Medina
ABSENT: Commissioner Craig —

Recess taken during the hearing of Officer Faingold:

8:05 p.m. to 8:12 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER SAM WONG, NARCOTICS
DIVISION

The hearing of the disciplinary charges filed against Police Officer Sam Wong, Narcotics Division, was called it having been set for this date.

Police Officer Sam Wong appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Peter Furst for the Defense.

An opening statement was made by Mr. Akins for the Prosecution.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. Fabian Reeves, United Courier Service
Mr. Arthur Cruz, Parc 55 Hotel, 55 Cyril Magnin

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The following witness was called by the Defense, was sworn and testified:

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The hearing was then continued to Wednesday, March 28, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

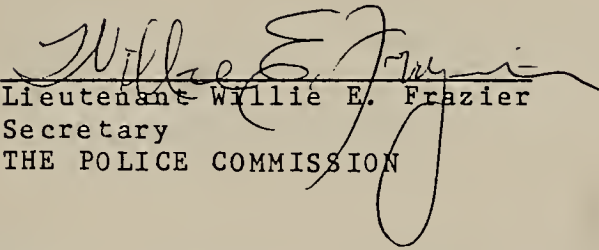
AYES: Commissioners Giraudo, Keker, Lee, Medina
ABSENT: Commissioner Craig

Recess taken during the hearing of Officer Wong:

8:05 p.m. to 8:12 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:55
p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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MARCH 21, 1990

minutes
REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 21, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioners Craig, Giraudo, Keker, Lee,
Campana

APPROVAL OF MINUTES OF MEETING OF DECEMBER 6, 1989

Approval of Minutes of Meeting of December 6, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 441-90

AUTHORIZING ACCEPTANCE OF REWARD FROM U.S. NAVY TO OFFICERS GARY CONSTANTINE, B. DANKER AND L. BELL, POTRERO STATION

RESOLVED, that the Police Commission hereby authorizes Officers Gary Constantine, B. Danker and L. Bell, Potrero Station, to accept a reward of \$75.00 from the U.S. Navy for services rendered on March 6, 1990 in the arrest of a U.S. Navy deserter.

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 442-90

LUDOVICO FRIAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ludovico Frias in the sum of \$683.98 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 9, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 443-90

EDMOND L. LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edmond L. Lewis in the sum of \$650.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 444-90

ALAMO RENT A CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alamo Rent A Car in the sum of \$448.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 445-90

KUDAN E. HABTEGIORGIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kudan E. Habtegiorgis in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 446-90

MICHAEL REEDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Reedy in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 447-90

MARIA DELMY AVILES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Delmy Aviles in the sum of \$100.00 as a result of a recovery tow, be, and the same is hereby approved.

Date of Incident: October 20, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

POLICE COMMISSION REPORT

Commissioner Giraudo said the Commissio had no report tonight.

(b) PUBLIC COMMENTS

Mr. John O'Brien addressed the Commission on Homeless issues and the Department's involvement with ABC in sending juveniles to see if they can buy liquor from areas that has off sale licenses in order to obtain convictions for violations.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he would just like to congratulate Commissioner Edward Campana and welcome him to the Police Department and pledge and offer their support for full cooperation and look forward to working with him for many years.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director, said he also had nothing to report other than to echo Chief Jordan's comments and assure the Commissioner that he will receive all of the OCC's cooperation. He said they would like to meet with Commissioner Campana and they look forward to a continued and pleasant relationship.

APPOINTMENT OF COMMITTEE TO REVIEW PRESENT INTELLIGENCE POLICY AND MAKE RECOMMENDATIONS AS TO FUTURE POLICY

Commissioner Giraudo said that last week they named a number of organizations that they were asking to participate in this Committee and asked that they respond back to the Commission as to who their designee would be as a Committee member. He then read off the names of the people who had responded. He said the Commission would ask that Assistant Chief Willis Casey coordinate a first meeting to get the Department and these representatives of the various organizations who have expressed interest to get together and come back to this Commission with a policy. He said the Commission would, through Lt. Frazier by letter, direct a charge of specific areas that the Commission is interested in terms of the scope of the efforts of the Committee. He said that should be done by the end of this week.

Commissioner Kekker said at this time he and Commissioner Craig would like to report on what they are doing and what they plan to do. He said starting this afternoon he and Commissioner Craig began to look at police department files that could in any way be deemed to be Intelligence Files and their efforts are to get a sense of what the universe of those files are. He said they looked at 1984 Intelligence Files, files in the Intelligence Division which include Gang Task Force Files, Organized Crime Files and some other files which he said they intend, as one of their tasks, is to go back and finish looking at in detail. He said one of the last places they went today was the Field Operations Bureau where Event Files are organized chronologically with flyers, the orders and in many cases the CAD report on the various events organized by months. He said they still have a few more areas to cover with Deputy Chief Frank Reed and by the time they are finished and the Committee is finished, the policy that the Commission is finished, the policy that the Commission eventually adopts will be a more detailed policy than one the Chief has already enunciated.

REQUEST FOR A HEARING ON APPEAL OF CHIEF'S 3-DAY
SUSPENSION IMPOSED ON OFFICER MANOLETE ORTEGA,
POTRERO STATION

The matter was set to May 14, 1990 in taking of
evidence by Commissioner Keker.

RESOLUTION NO. 433-90

NOTIFICATION AND ACCEPTANCE FOR FILING, THE
DECLARATIONS OF ASSISTANT CHIEF WILLIS A. CASEY AND
SGT. PELHAM WILMERDING IN OPPOSITION TO MOTION TO
DISMISS SPECIFICATION NO. 1 OF CHARGES FILED AGAINST
DEPUTY CHIEF JOHN J. JORDAN

WHEREAS, Assistant Chief Willis A. Casey and
Sergeant Pelham Wilmerding, Management Control
Division, filed a Declaration in opposition to
motion to dismiss Specification No. 1 of charges
filed against Deputy Chief John J. Jordan; therefore
be it

RESOLVED, the Police Commission hereby accepts
the Declaration filed by Assistant Chief Willis A.
Casey and Sergeant Pelham C. Wilmerding.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

RESOLUTION NO. 434-90

POLICE COMMISSION CONSIDERATION ON DECLARATION OF
JOHN J. JORDAN IN SUPPORT OF MOTION TO DISMISS
SPECIFICATION NO. 1

WHEREAS, the Police Commission consideration on
Declaration of John J. Jordan in support of Motion
to Dismiss Specification No. 1 was called, it having
been set for this date, and

WHEREAS, Deputy Chief John J. Jordan retired
effective November 11, 1989; therefore be it

RESOLVED, that the request of Police Commission
consideration of the Motion to Dismiss Specification
No. 1 by John J. Jordan is now moot and is hereby
withdrawn.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

RESOLUTION NO. 435-90

STATUS ON HEARING OF DISCIPLINARY CHARGES FILED
AGAINST DEPUTY CHIEF JOHN J. JORDAN

WHEREAS, the status on the hearing of
disciplinary charges filed against Deputy Chief John
J. Jordan was called, it having been set for this
date, and

WHEREAS, Deputy Chief John J. Jordan retired
effective November 11, 1989; therefore be it

RESOLVED, the charges filed against Deputy Chief
John J. Jordan is hereby withdrawn.

AYES: Commissioners Campana, Craig, Giraudo, Lee
RECUSED: Commissioner Keker

Commissioner Giraudo then said before all of the following matters are dealt with he wanted to respond to the Discovery Motion and then the discussion that occurred thereafter with respect to the OCC. He then read the following into the record:

"In the case of Captain William Welch, Attorney Steven Whitmore said the doctor said it would be two months before he would both be able to return to work and attend a Commission Hearing. He said he personally spoke to Captain Welch and he said he feels reasonably confident that within a month he should be able to sit at counsel's table for approximately two hours. He said he has been trying to contact the doctor to see if he would agree with Captain Welch about the one month time period. Commissioner Giraudo then said this would be scheduled next week again for a Status Report with respect Captain Welch's health so the Commission can hopefully set a date at that time."

RESOLUTION NO. 436-90

STATUS ON HEARING OF CAPTAIN WILLIAM N. WELCH,
TRAFFIC DIVISION, PARKING AND TRAFFIC CONTROL

WHEREAS, the status on the hearing of disciplinary charges filed against Police Captain William N. Welch, Traffic Division, Parking and Traffic Control, was called, it having been set for this date, and

WHEREAS, it was the decision of the Police Commission that the status and setting of a date for the hearing on the disciplinary charges filed against Captain William N. Welch be scheduled for March 28, 1990; therefore be it

RESOLVED, that the status and setting of a date for the hearing on the disciplinary charges filed against Captain William N. Welch is scheduled for Wednesday, March 28, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 437-90

STATUS ON HEARING OF LIEUTENANT THOMAS J. LANG,
HEADQUARTERS COMPANY, FIELD OPERATIONS BUREAU

WHEREAS, the status on the hearing of disciplinary charges filed against Police Lieutenant Thomas J. Lang, Headquarters Company, Field Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was the decision of the Police Commission that the status and setting of a date for the hearing on the disciplinary charges filed against Lieutenant Thomas J. Lang be scheduled for March 28, 1990; therefore be it

RESOLVED, that the status and setting of a date for the hearing on the disciplinary charges filed against Lieutenant Thomas J. Lang is scheduled for

Wednesday, March 28, 1990 at 5:30 p.m. in Room 551,
Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 438-90

STATUS ON HEARING OF SERGEANT JAMES B. HALL,
HEADQUARTERS COMPANY, FIELD OPERATIONS BUREAU

WHEREAS, the status on the hearing of disciplinary charges filed against Police Sergeant James B. Hall, Headquarters Company, Field Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was the decision of the Police Commission that the status and setting of a date for the hearing on the disciplinary charges filed against Sergeant James B. Hall be scheduled for March 28, 1990; therefore be it

RESOLVED, that the status and setting of a date for the hearing on the disciplinary charges filed against Sergeant James B. Hall is scheduled for Wednesday, March 28, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

HEARING OF POLICE OFFICER WALLACE W. GIN, POTRERO
STATION

The hearing of the disciplinary charges filed against Police Officer Wallace W. Gin, Potrero Station, was called it having been set for this date. Officer Wallace W. Gin was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Wallace W. Gin appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Stephen Whitmore for the Defense. Mr. Whitmore made a plea of no contest to the charges on behalf of Officer Gin.

Commissioner Lee made a motion to accept the plea of Officer Gin and was seconded by Commissioner Craig and unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by the Chief of Police:

SPECIFICATION NO. 1

Fifteen (15) days suspension

SPECIFICATION NO. 2

Ten (10) days suspension

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 439-90

DECISION - HEARING OF OFFICER WALLACE W. GIN,
POTRERO STATION

WHEREAS, on July 26, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Wallace W. Gin, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Wallace W. Gin, Star No. 1742 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department. The accused is assigned to the Patrol Bureau - Potrero Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about September 19, 1988, at approximately 2305 hours, the accused and his partner, Officer Clifton F. Fogarty, Star No. 255, were assigned to patrol the Potrero District in a marked police vehicle;

- (4) On or about September 19, 1988, at approximately 2305 hours, in the area of Ingalls Street and Kiska Road, Officer Fogarty, who was driving, and the accused engaged a motorcyclist in a high speed chase as a result of a traffic infraction;
- (5) During the chase the motorcyclist lost control of his vehicle at the corner of West Point and Middle Point Roads at which time he fell off his motorcycle and crashed into a parked car;
- (6) The accused and Officer Fogarty approached the motorcyclist, who was face down on the ground, and as the motorcyclist began to move the accused kicked the motorcyclist in the face without provocation. The accused and Officer Fogarty then arrested the motorcyclist;
- (7) Sergeant Robert Rogers, Star No. 32, arrived on the scene and observed the accused and Officer Fogarty kicking the motorcyclist as they stood over him;
- (8) The accused, by kicking a motorcyclist who was down on the ground without provocation, has used unnecessary force during an arrest, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

- (9) The allegations contained in paragraphs (1) through (8) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (10) On or about October 18, 1988, the accused was questioned by the Office of Citizen Complaints regarding whether he kicked a motorcyclist who was on the ground on or about September 19, 1988 at approximately 2305 hours at West Point and Middle Point Roads during an arrest.
- (11) Sergeant Robert Rogers observed the accused and Officer Fogarty kicking the motorcyclist, while the motorcyclist was on the ground, without provocation;

- (12) The motorcyclist informed the Office of Citizen Complaints that the accused and Officer Fogarty each kicked him while he was on the ground, without provocation;
- (13) The accused, when questioned by the Office of Citizen Complaints, denied kicking the motorcyclist or kicking at the motorcyclist during the arrest of the motorcyclist on September 19, 1988 at approximately 2305 hours at West Point and Middle Point Roads;
- (14) The accused, by failing to answer questions truthfully and without evasion when questioned by the Office of Citizen Complaints regarding his conduct during the arrest of a motorcyclist on September 19, 1988 at approximately 2305 hours, at West Point and Middle Point Roads, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 21, 1990, and on Wednesday, March 21, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Officer Wallace W. Gin are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Fifteen (15) days suspension

SPECIFICATION NO. 2

Ten (10) days suspension

and be it further

RESOLVED, that the total twenty five (25) calendar days suspension shall commence on Saturday, March 31, 1990 at 0001 hours and end Tuesday, April 24, 1990 at 2400 hours.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Officer Gin:

6:24 p.m. to 6:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER CLIFTON F. FOGARTY,
POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, was called it having been set for this date. Officer Clifton F. Fogarty was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Clifton F. Fogarty appeared in person and was represented by Mr. Antonio Salazar-Hobson, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Antonio Salazar-Hobson for the Defense. Mr. Salazar-Hobson made a plea of no contest to the charges on behalf of Officer Fogarty.

Commissioner Lee made a motion to accept the plea of Officer Fogarty and was seconded by Commissioner Craig and unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by the Chief of Police:

SPECIFICATION NO. 1

Fifteen (15) days suspension

SPECIFICATION NO. 2

Ten (10) days suspension

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 440-90

DECISION - HEARING OF OFFICER CLIFTON F. FOGARTY,
POTRERO STATION

WHEREAS, on July 26, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Clifton F. Fogarty, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Clifton F. Fogarty, Star No. 255 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department. The accused is assigned to the Patrol Bureau - Potrero Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about September 19, 1988, at approximately 2305 hours, the accused and his partner, Officer Wallace W. Gin, Star No. 1742, were assigned to patrol the Potrero District in a marked police vehicle;
- (4) On or about September 19, 1988, at approximately 2305 hours, in the area of Ingalls Street and Kiska Road, the accused, who was driving, and Officer Gin engaged a motorcyclist in a high speed chase as a result of a traffic infraction;
- (5) During the chase the motorcyclist lost control of his vehicle at the corner of West Point and Middle Point Roads at which time he fell off his motorcycle and crashed into a parked car;
- (6) The accused and Officer Gin approached the motorcyclist, who was face down on the ground, and as he began to move both officers kicked the motorcyclist without provocation. The accused and Officer Gin then arrested the motorcyclist;

- (7) Sergeant Robert Rogers, Star No. 32, arrived on the scene and observed the accused and Officer Gin kicking the motorcyclist as they stood over him;
- (8) The accused, by kicking a motorcyclist who was down on the ground, without provocation, has used unnecessary force during an arrest, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

- (9) The allegations contained in paragraphs (1) through (8) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (10) On or about October 18, 1988, the accused was questioned by the Office of Citizen Complaints regarding whether he kicked a motorcyclist who was on the ground on or about September 19, 1988 at approximately 2305 hours at West Point and Middle Point Roads during an arrest.
- (11) Sergeant Robert Rogers observed the accused and Officer Gin kicking the motorcyclist, while the motorcyclist was on the ground, without provocation;
- (12) The motorcyclist informed the Office of Citizen Complaints that the accused and Officer Gin each kicked him while he was on the ground, without provocation;
- (13) The accused, when questioned by the Office of Citizen Complaints, denied kicking the motorcyclist or kicking at the motorcyclist during the arrest of the motorcyclist on September 19, 1988 at approximately 2305 hours at West Point and Middle Point Roads;
- (14) The accused, by failing to answer questions truthfully and without evasion when questioned by the Office of Citizen Complaints regarding his conduct during the arrest of a motorcyclist on September 19, 1988 at approximately 2305 hours, at West Point and Middle Point Roads, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 21, 1990, and on Wednesday, March 21, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Officer Clifton F. Fogarty are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Fifteen (15) days suspension

SPECIFICATION NO. 2

Ten (10) days suspension

and be it further

RESOLVED, that the total twenty five (25) calendar days suspension shall commence on Saturday, March 31, 1990 at 0001 hours and end Tuesday, April 24, 1990 at 2400 hours.


AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Officer Fogarty:

6:24 p.m. to 6:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, adjourned at 6:58 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes
MARCH 28, 1990

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 28, 1990 at 1715 hours in a Special Meeting.

RESOLUTION NO. 448-90

RESCISSION OF RESOLUTION NO. 393-90, CALENDAR OF MARCH 14, 1990, WHICH AWARDED BRONZE MEDAL OF VALOR TO OFFICER EUGENE YOSHII

WHEREAS, a motion was made by Commissioner Lee to rescind Resolution No. 393-90 in order to upgrade the Bronze Medal of Valor previously awarded to Police Officer Eugene Yoshii, and was seconded by Commissioner Keker and unanimously approved; therefore be it;

RESOLVED, Resolution No. 393-90 dated March 19, 1990 is hereby rescinded and will be replaced by Resolution No. 449-90 in order to upgrade the Bronze Medal of Valor awarded to Police Officer Eugene Yoshii to Silver Medal of Valor.

AYES: Commissioners Giraudo, Keker, Lee
ABSENT: Commissioners Campana, Craig

RESOLUTION NO. 449-90

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, March 8, 1990, and as amended on March 28, 1990; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Alvin Wong is hereby awarded the Gold Medal of Valor and granted a reward of \$500.00, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Darcy Keller, Officer Jerry Lankford, Officer John Sanford, Officer Robert Totah and Officer Eugene Yoshii, be, and they are hereby awarded Silver Medals of Valor and granted rewards of \$300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Edgar Callejas, Sergeant Robert Guinan, Sergeant Tom Perdue, Officer Edward Cheung, Officer Eugene Kalinin, Officer Paul Lozada, Officer Denis F. O'Leary, Officer Robert Swall, Officer Steven Wonder and Officer Kurtis Wong, be, and they are awarded Bronze Medals of Valor and granted rewards of \$150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Lieutenant James Long, Sergeant David Roccaforte, Inspector James Deasy, Inspector Steven Gudelj, Inspector Sam Hamilton, Inspector Olav Hindahl, Inspector Gary Jimenez, Inspector Jeffrey Lindberg, Inspector Eric Olsen, Inspector Harvey Rockwell, Inspector Thomas Walsh, Officer William Bush, Officer Michael Huddleston, Officer Susan Manheimer, Officer Pamela Wormes and Officer Vincent Vago, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Giraudo, Keker, Lee
ABSENT: Commissioners Campana, Craig

MARCH 28, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 28, 1990 at 1730 hours in a Regular Meeting.

AYES: Commissioner Campana, Craig, Giraudo, Keker, Lee

APPROVAL OF MINUTES OF MEETING OF DECEMBER 13, 1989
and SPECIAL MEETING OF DECEMBER 19, 1989

Approval of Minutes of Meeting of December 13, 1989 and Special Meeting of December 19, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and Count of San Francisco:

RESOLUTION NO. 457-90

BART P. MCCARTHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bart P. McCarthy in the sum of \$1,497.76 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 11, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 458-90

NIMUR HALTEL (FIREMAN'S FUND INSURANCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nimur Haltel (Fireman's Fund Insurance) in the sum of \$1,250.00

as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 27, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 459-90

HORATIONA BENAVERDES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Horationa Benavdes in the sum of \$918.19 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 28, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 460-90

KATE BLAKESLEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kate Blakeslee in the sum of \$599.97 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 17, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 461-90

BUDGET RENT A CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Budget Rent A Car in the sum of \$337.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 1, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 462-90

STEPHANIE MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie Miller in the sum of \$180.00 as a result of recovery tow, be, and the same is hereby approved.

Date of Incident: February 16, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 463-90

THOMAS BANKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Banks in the sum of \$150.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 22, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 464-90

GARY FREEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Freeman in the sum of \$150.00 as a result a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 465-90

MARIAN OBUCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marian Obuch in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 466-90

CECILIA L. MORALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cecilia L. Morales in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 21, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 467-90

KRISTEN BRADLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristen Bradley in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 468-90

SEYED ABTAHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Seyed Abtahi in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 29, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 469-90

PAUL WAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Wayne in the sum of \$100.00 as a result of a recovery tow, be, and the same is hereby approved.

Date of Incident: January 12, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 470-90

JIMMY CHIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jimmy Chin in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 21, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 471-90

EARL LEE GERDES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Earl Lee Gerdes in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 472-90

PATRICIA LAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Lay in the sum of \$100.00 as a result of a recovery tow, be, and the same is hereby approved.

Date of Incident: February 20, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 473-90

CAREY EHOLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carey Eheler in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 474-90

SUZANNE M. COSHOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne M. Coshow in the sum of \$100.00 as a result of a recovery tow, be, and the same is hereby approved.

Date of Incident: December 15, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 475-90

RONG CHANG ZHENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rong Chang Zheng in the sum of \$100.00 as a result of a recovery tow, be, and the same is hereby approved.

Date of Incident: January 26, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 476-90

SANDRA O'CONNOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra O'Connor in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 477-90

MELVYN L. SEID

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melvyn L. Seid in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 478-90

CHARLOTTE MILTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charlotte Milton in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 479-90

SHIH-SAN HSU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shih-San Hsu in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 480-90

JONATHAN RICHARD BIRCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Richard Birch in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 21, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 481-90

DIANE WAYE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Waye in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 482-90

CHRISTOPHER LO PICCOLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher Lo Piccolo in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 483-90

JOHN SCOTT JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher Lo Piccolo in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 484-90

WALLACE JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wallace Johnson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 485-90

FRED HOLBROOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Holbrook in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 486-90

JAY S. LAFFERTY, JR., II

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay S. Lafferty, Jr., II in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 487-90

WENDY LOWINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy Lowinger in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 488-90

JOHN NACHTRIEB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Nachtrieb in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 489-90

JERRY EVOLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerry Evola in the sum of \$50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 490-90

LUCY ROMERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucy Romero in the sum of \$45.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 491-90

SHARON T. SCHWEITZER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon T. Schweitzer in the sum of \$35.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 7, 1989

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 492-90

JIM MONDRAGON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Mondragon in the sum of \$25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1990

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

POLICE COMMISSION REPORT

Commissioner Giraudo said that last evening he was honored to attend the Youth Court Award Ceremonies at the Richmond District Station. He said this Youth Court Program is one where Juvenile Offenders are tried by their peers rather than being put into a diversion program. He said they have just completed their first year of the program and there was a large crowd present to commend them for the good job they had done over the year. He said the young people in the program are seniors in High School and they are now training youngsters in Ingleside to do the same thing in that district and there is a great deal of community interest and input. He said while he was there he was afforded the opportunity to speak with the people about the Police Commission and its role in San Francisco and they invited the Commission to come out to the Richmond District and hold a regularly scheduled Police Commission Meeting in that District. He said a few months ago the Commission held a Special Meeting in Chinatown and he would ask the Commission tonight for a motion to consider doing nine (9) regularly scheduled meetings in the 9 districts and on those dates there would be no disciplinary matters scheduled, only policy matters for discussion and any other things *WITHIN* the Commission's jurisdictions, including public comments and that the Commission through the Chief of Police ask the Captains of those District Stations to make arrangements for the Commission to meet in their areas. He said last night Captain Hettrich, along with the Principal of George Washington High School, invited the Commission out to meet at Washington High School. He said a High School or Junior High School in the various police districts, he feels sure, would be very happy to accommodate. Commissioner Keker said he would make the motion to do that as he felt it is a great idea. The motion was seconded and then unanimously approved.

Commissioner Craig then said sometime back this Commission took some action on the Curfew Ordinance and came up with some recommendations that the Commission endorsed to go forth to the Board of Supervisors. She said that matter is still pending before the Board and was continued this past Monday. She said it seems that there was some confusion on the part of some Supervisors as to what actions the Commission took and the recommendation the Commission came forth with. She said just to clarify them on that matter she would ask that a letter be sent from this Commission stating what the Commission's recommendations were so that they would all be fully apprised of what action the Commission is endorsing in regards to the Curfew Ordinance.

Commissioner Giraudo said the Commission should speak to the issue of PC&N this evening and a notification should be sent to the Taxi Industry people that on April 11, 1990, the Commission will be considering a procedure with respect to having a Hearing Officer conduct the PC&N Hearings with a set calendar thereafter. He said it is the intention of the Commission to consider that on April 11, 1990, rather than holding PC&N Hearings with the entire Commission but to instead appoint a Captain in the Police Department to conduct those Hearings and then to come back to the Commission with a summary report.

Commissioner Keker then said he would like to raise a matter about the Police Commission Minutes for consideration. He said he had spoken to Lieutenant Frazier about this. He continued by saying that the minutes that the Commissioners receive are incredibly detailed and almost a transcript of the tape which is made of these hearings and are kept. He said it takes Lt. Frazier and the Staff of the Police Commission a very large amount of time to prepare accurately those long typed minutes and it seems unnecessary and not a good use of Lt. Frazier and the Staff's time, particularly because all of the Commissioners are hoping to ask them to do various other things that are more meaningful to the work of the Commission. He said he would suggest that the Commission go back to what he understands use to be the Police Commission procedure which would be keeping minutes more in accord with a normal organization where you say who spoke on a subject, what action was taken if any, and have the minutes be more of a summary than a transcript recognizing that the Commission will always keep the tapes for anyone who wants to listen to them to find out exactly what was said. He said that would free up a lot of the Lieutenant's time and all of the Commissioners could take advantage of that. Commissioner Giraudo said okay that is a motion is there a second. Commissioner Craig seconded and it was unanimously approved.

(a) MOTION ON CALENDAR NEW MATTERS

None.

(b) PUBLIC COMMENTS

None.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan reported to the Police Commission on four (4) separate shootings, three (3) in Bayview Hunterspoint and one (1) in the Western Addition last night. He said five (5) suspects and seven (7) victims were involved and the Department was actively pursuing the matter.

FIRST QUARTERLY REPORT OF THE 1990 POLICE DEPARTMENT GOALS WHICH HAS BEEN ESTABLISHED BY THE MAYOR AND THE CHIEF OF POLICE AS A MEANS OF EVALUATING THE DEPARTMENT'S PERFORMANCE DURING 1990

Commissioner Giraudo said there was no need to go through the response on the goals this evening as the Commission would take them and read them this weekend, go through them next week and thereafter, have public comment. A lengthy discussion followed with the Chief giving an overview of a number of current matters undertaken to improve the Department and thereafter showed the Commissioners a video tape of Role Call Training dealing with the homeless which is shown to all officers in how to deal with the homeless in San Francisco.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said he would ask at this time that the Commission calendar the subject of the OCC Video Taping at Demonstrations. He said the OCC would also like to share its quarterly report with the Commission and ask that it be placed on calendar also.

RESOLUTION NO. 450-90

STATUS AND SETTING OF DATE ON HEARING OF CAPTAIN
WILLIAM N. WELCH, FIELD OPERATIONS BUREAU, 1st
PATROL DIVISION

WHEREAS, the status and setting of a date on the hearing of disciplinary charges filed against Police Captain William N. Welch, Field Operations Division, 1st Patrol Division, was called, it having been set for this date, and

WHEREAS, it was the decision of the Police Commission that the status and setting of a date for the hearing on the disciplinary charges filed against Captain William N. Welch be continued to April 4, 1990; therefore be it

RESOLVED, that the status and setting of a date for the hearing on the disciplinary charges filed against Captain William N. Welch is continued to Wednesday, April 4, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 451-90

STATUS AND SETTING OF DATE ON HEARING OF LIEUTENANT
THOMAS J. LANG, HEADQUARTERS COMPANY, FIELD
OPERATIONS BUREAU

WHEREAS, the status and setting of a date on the hearing of disciplinary charges filed against Police Lieutenant Thomas J. Lang, Headquarters Company, Field Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was the decision of the Police Commission that the status and setting of a date for the hearing on the disciplinary charges filed against Lieutenant Thomas J. Lang be continued to April 4, 1990; therefore be it

RESOLVED, that the status and setting of a date for the hearing on the disciplinary charges filed against Lieutenant Thomas J. Lang is continued to Wednesday, April 4, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

RESOLUTION NO. 452-90

STATUS AND SETTING OF DATE ON HEARING OF SERGEANT
JAMES B. HALL, HEADQUARTERS COMPANY, FIELD
OPERATIONS BUREAU

WHEREAS, the status and setting of a date on the hearing of disciplinary charges filed against Police

Sergeant James B. Hall, Headquarters Company, Field Operations Bureau, was called, it having been set for this date, and

WHEREAS, it was the decision of the Police Commission that the status and setting of a date for the hearing on the disciplinary charges filed against Sergeant James B. Hall be continued to April 4, 1990; therefore be it

RESOLVED, that the status and setting of a date for the hearing on the disciplinary charges filed against Sergeant James B. Hall is continued to Wednesday, April 4, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

NOTIFICATION AND FILING OF DISCIPLINARY CHARGES
AGAINST POLICE OFFICER LOUIS A. CASSANEGO, INGLESIDE
STATION

Continued one week as a companion case is due to be in with it at this time.

RESOLUTION NO. 455-90

HEARING OF POLICE OFFICER BERNARD J. SULLIVAN, FIELD
OPERATIONS BUREAU, HEADQUARTERS COMPANY

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Bernard J. Sullivan, Field Operations Bureau, Headquarters Company, was called it having been set for this date; and

WHEREAS, it was mutually agreed by the Police Commission and Mr. Casimir Wilson, Attorney at Law representing Officer Sullivan, that the date for the hearing of disciplinary charges filed against Officer Sullivan be continued to May 16, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer Bernard J. Sullivan is continued to Wednesday, May 16, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

The following matters are Closed Hearings.

HEARING OF POLICE OFFICER ALEJANDRO G. VERZOSA,
POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Alejandro G. Verzosa, Potrero Station, was called it having been set for this date. Officer Alejandro G. Verzosa was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Alejandro G. Verzosa appeared in person and was not represented by counsel.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

Officer Verzosa entered a plea of no contest to the charges.

Commissioner Lee made a motion to accept the plea of Officer Verzosa and was seconded by Commissioner Kecker and unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Thirty (30) days suspension

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 456-90

DECISION - HEARING OF OFFICER ALEJANDRO G. VERZOSA, POTRERO STATION

WHEREAS, on October 27, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Alejandro G. Verzosa, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Alejandro G. Verzosa, Star No. 2201 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Potrero District;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On or about February 27, 1989, at or about 2215 hours, the accused was off duty and engaged in secondary employment at the

premises of the Walgreen Company at the Westlake Shopping Center in Daly City, California;

- (4) The accused was employed by the Walgreen Company as a store detective and February 27, 1989 was his last day of employment in that capacity;
- (5) Commencing shortly before 2215 hours and on at least three (3) separate occasions that evening, three employees of the Walgreen Company, observed the accused remove merchandise belonging to the store from the premises without paying for it and then returning to the store without it. On one of these occasions one of the employees followed the accused to his automobile parked in the parking lot adjacent to the store and observed the accused place merchandise in the automobile. The accused then returned to the store without the merchandise and did not pay for it;
- (6) After the last observation of removing merchandise without paying for it, the accused left the premises of the store and the shopping center in his automobile and returned shortly thereafter in another different automobile;
- (7) An employee informed the management of the store of what she observed and a loss prevention specialist employed by the Walgreen Company responded to the premises to investigate. He confronted the accused concerning his removal of the items of merchandise to his automobile without paying for them and without permission. The accused offered to pay for the items but neither admitted nor denied that he had removed the items from the store and premises of the shopping center;
- (8) The accused, by entering the premises he was employed to protect as a security employee, committing theft thereon by removing merchandise therefrom without paying for it and without permission, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 28, 1990, and on Wednesday, March 28, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Officer Alejandro G. Verzosa are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) days suspension

and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Saturday, April 14, 1990 at 0001 hours and end Sunday, May 13, 1990 at 2400 hours, and any future violation of like nature shall be cause for termination.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recess taken during the hearing of Officer Verzosa:

6:25 p.m. to 6:37 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

HEARING OF POLICE OFFICER DAVID A. FAINGOLD,
NARCOTICS DIVISION

The hearing of the disciplinary charges filed against Police Officer David A. Faingold, Narcotics Division, was called it having been continued from the meeting of March 7, 1990. Officer David A. Faingold was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of, and to follow department procedures governing their assigned duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer David A. Faingold appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

The following witnesses were called by the Defense, were sworn and testified:

Officer Sam Wong, Narcotics Division
Officer David A. Faingold, Narcotics Division

The following exhibits were entered into evidence by the Defense:

Exhibit A 3x5 Color photo, Honda interior,
front window to rear

Exhibit B 3x5 Color photo, Honda Driver's side

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 is not sustained and Specification No. 2 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 2

Five (5) days suspension

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 453-90

DECISION - HEARING OF OFFICER DAVID A. FAINGOLD,
NARCOTICS DIVISION

WHEREAS, on October 27, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer David A. Faingold, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, David A. Faingold, Star No. 770 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department. The accused is assigned to the Special Operations Bureau Task Force;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about November 30, 1988, at 1500 hours on Mason Street near the intersection with Eddy Street, the accused and Officer Sam Wong, Star Number 700, were on an undercover plain clothes assignment in an unmarked police car when they were passed by a citizen as they proceeded through the intersection at said place and time;
- (4) The accused and Officer Wong attempted to stop the citizen without exhibiting police identification and pursued the citizen's vehicle for approximately two blocks. When the citizen's vehicle stopped at a stop light, Officer Wong exited the unmarked vehicle and entered the citizen's automobile from the passenger side, braced the citizen's head against the headrest in his car with his forearm and placed the muzzle of his firearm to the citizen's right nostril;
- (5) After effecting the stop the accused controlled the citizen while Officer Wong ran a radio check on the citizen. However, neither the accused nor Officer Wong called for a marked unit to respond to the scene as a back-up as is required by Rules I-A and II-A of General Order F-3 of the San Francisco Police Department;
- (6) The accused, by effecting a routine traffic stop while working in an undercover assignment and failing to call for a marked unit to respond to the scene as a back-up as required by Rules I-A and II-A of General Order F-3 of the San Francisco Police Department, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and

discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of, and to follow department procedures governing their assigned duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

- (7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (8) On or about February 2, 1989, the accused was questioned by the Office of Citizen Complaints ("O.C.C.") regarding whether he was familiar with the provisions of General Order F-3 of the San Francisco Police Department, which requires plainclothes details or undercover officers to immediately request a marked unit to respond to the scene of a traffic stop as a back up;
- (9) On or about February 2, 1989, when questioned by the O.C.C. regarding the provisions set forth in General Order F-3 of the San Francisco Police Department, the accused stated that he was not aware that there is such an order as General Order F-3 and that "nobody can dictate to me when and where and at what time I need to call a back-up officer";
- (10) The accused, by failing to know the provisions of General Order F-3 of the San Francisco Police Department, has engaged in conduct which constitutes a violation of Rule A-7 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall acquire and maintain a working knowledge of all information required for the proper performance of their duties."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 7, 1990 and Wednesday, March 28, 1990, and on Wednesday, March 28, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Officer David A. Faingold are not sustained; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 2 as preferred by the Chief of Police against Officer David A. Faingold are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 2

Five (5) days suspension

and be it further

RESOLVED, that the five (5) calendar days suspension shall commence on Saturday, April 7, 1990 at 0001 hours and end Wednesday, April 11, 1990 at 2400 hours.

AYES: Commissioners Giraudo, Keker, Lee
ABSENT: Commissioner Campana, Craig

Recesses taken during the hearing of Officer Faingold:

7:30 p.m. to 7:40 p.m.

8:10 p.m. to 8:23 p.m.

8:25 p.m. to 8:32 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

HEARING OF POLICE OFFICER SAM WONG, NARCOTICS
DIVISION

The hearing of the disciplinary charges filed against Police Officer Sam Wong, Narcotics Division, was called it having been continued from the meeting of March 7, 1990. Officer Sam Wong was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of, and to follow department procedures governing their assigned duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Use of unnecessary force to initiate a routine traffic stop (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Sam Wong appeared in person and was represented by Mr. Peter Furst, Attorney at Law.

The following witnesses were called by the Defense, were sworn and testified:

Officer Sam Wong, Narcotics Division
Officer David A. Faingold, Narcotics Division

The following exhibits were entered into evidence by the Defense:

Exhibit A 3x5 Color photo, Honda interior, front window to rear

Exhibit B 3x5 Color photo, Honda Driver's side

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specifications No. 1 and No. 3 are not sustained and Specification No. 2 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 2

Five (5) days suspension

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 454-90

DECISION - HEARING OF OFFICER SAM WONG, NARCOTICS DIVISION

WHEREAS, on October 27, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer Sam Wong, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Sam Wong, Star No. 700 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department. The accused is assigned to the Special Operations Bureau Task Force;

- (2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about November 30, 1988, at 1500 hours on Mason Street near the intersection with Eddy Street, the accused and Officer David A. Faingold, Star Number 770, were on an undercover plain clothes assignment in an unmarked police car when they were passed by a citizen as they proceeded through the intersection at said place and time;
- (4) The accused and Officer Faingold attempted to stop the citizen without exhibiting police identification and pursued the citizen's vehicle for approximately two blocks. When the citizen's vehicle stopped at a stop light, the accused exited his unmarked vehicle and entered the citizen's automobile from the passenger side, braced the citizen's head against the headrest in his car with his forearm and placed the muzzle of his firearm to the citizen's right nostril;
- (5) After effecting the stop by that action, and while his partner controlled the citizen, the accused ran a radio check on the citizen. However, neither the accused nor Officer Faingold called for a marked unit to respond to the scene as a back-up as is required by Rules I-A and II-A of General Order F-3 of the San Francisco Police Department;
- (6) The accused, by attempting to stop a vehicle driven by a citizen without exhibiting police identification, by initiating a routine traffic stop while working in an undercover assignment and failing to call for a marked unit to respond to the scene as a back-up as required by General Order F-3, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to acquire and maintain a working knowledge of, and to follow department procedures governing their assigned duties (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department).

- (7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;
- (8) On or about December 20, 1988, the accused was questioned by the Office of Citizen Complaints ("O.C.C.") regarding whether he was familiar with the provisions of General Order F-3 of the San Francisco Police Department, which requires plainclothes details or undercover officers to immediately request a marked unit to respond to the scene of a traffic stop as a back up;
- (9) On or about December 20, 1988, when questioned by the O.C.C. regarding the provisions set forth in General Order F-3 of the San Francisco Police Department, the accused stated that he does not believe that there is such an order as General Order F-3 and stated, "I don't keep up with them all";
- (10) The accused, by failing to know the provisions of General Order F-3 of the San Francisco Police Department, has engaged in conduct which constitutes a violation of Rule A-7 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall acquire and maintain a working knowledge of all information required for the proper performance of their duties."

SPECIFICATION NO. 3

Use of unnecessary force to initiate a routine traffic stop (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (11) The allegations contained in paragraphs (1) through (6) of Specification No. 1 and paragraphs (7) through (10) of Specification No. 2 are incorporated by reference as if fully set forth herein;
- 12) The accused, by drawing his handgun and placing the muzzle of it to the nose of a citizen during a routine traffic stop used unnecessary force to initiate a traffic stop and has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 7, 1990 and Wednesday, March 28, 1990, and on Wednesday, March 28, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 3 as preferred by the Chief of Police against Officer Sam Wong are not sustained; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 2 as preferred by the Chief of Police against Officer Sam Wong are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 2

Five (5) days suspension

and be it further

RESOLVED, that the five (5) calendar days suspension shall commence on Saturday, April 7, 1990 at 0001 hours and end Wednesday, April 11, 1990 at 2400 hours.


AYES: Commissioners Giraudo, Keker, Lee
ABSENT: Commissioner Campana, Craig

Recesses taken during the hearing of Officer Wong:

7:30 p.m. to 7:40 p.m.
8:10 p.m. to 8:23 p.m.
8:25 p.m. to 8:32 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

The meeting, thereafter, was adjourned at 5:17 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JUNE 5, 1990

[MINUTES]
SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Tuesday, June 5, 1990 at 1:00 p.m. in a Special Meeting.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE
APPEAL OF THE CHIEF'S SUSPENSION OF POLICE INSPECTOR
FRANK MCCOY, HOMICIDE SECTION

The hearing for taking of evidence in the appeal of the Chief's suspension of Police Inspector Frank McCoy, Homicide Section, was called it having been continued from the meeting of May 7, 1990.

Police Inspector Frank McCoy appeared in person and was represented by Mr. James A. Lassart, Attorney at Law.

DOCUMENTS DEPT.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

JUN 21 1990
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Mr. Lassart made a motion that General Order D-1, Section A-9, as applied to Inspector McCoy is void for vagueness as it does not properly place on notice to police officers that improper speech can result in their termination.

Mr. Akins objected because such a motion in accordance with Police Commission's ruling should have been placed in writing and not given orally.

Commissioner Keker said he would not rule on the motion but that the motion should be presented when the matter comes before the full Commission for ruling at that time.

The following exhibits were entered into evidence by the Prosecution:

Exhibit #8 Beta Video - Tapes of Chief's hearing

Exhibit #8A Transcription of Chief's hearing as guide, 3/28/89

Exhibit #8B VHS Video - Tape of Chief's hearing

The following witnesses were called by the Defense, were sworn and testified:

Inspector Frank McCoy, Homicide Section
Captain James A. Tedesco, Staff Services

The following exhibits were entered for identification by the Defense:

Exhibit #13 Letter from Attorney James A. Lassart to Director Michael A. Langer, OCC, Re: Frank McCoy, OCC-614-88, dated 4-5-90

Exhibit #14 Letter from Attorney James A. Lassart to Attorney Jerry W. Akins, Re: Frank McCoy, dated 4-5-90

Exhibit #15 Letter from Chief Frank M. Jordan to Attorney James A. Lassart, Re: Frank McCoy, dated 2-15-90

- Exhibit #16 Proceedings of Special Meeting of
1-3-90 on Inspector Frank C. McCoy
and Police Commission Resolution
1-90 dated 1-22-90
- Exhibit #17 Ltr from Deputy Chief Willis Casey
to Inspector Frank McCoy, Re:
Notice of Chief's Intention to
Impose a Disciplinary Suspension
dated 1-17-89
- Exhibit #18 Copy of page from San Francisco
Sentinel titled "Point of View"
Chris Nunez Article - Another View
of Controversial Murder, dated
10-21-88
- Exhibit #19 Charges filed against Inspector
Frank C. McCoy, File C89-70 MEG,
dated 9-7-88
- Exhibit #20 Article from Sentinel newspaper,
7-15-88, "OCC Upholds Charges
Against Smoot Investigators"
- Exhibit #21 San Francisco Chronicle, 7-15-88,
"Cops Cited for Anti-Gay Bias"
- Exhibit #22 San Francisco Examiner, 7-14-88,
"Charges Against Police Upheld in
Gay Slaying"
- Exhibit #23 Bay Area Reporter, 7-14-88, "Smoot
Case Botched Due to Bias, Says
Panel"
- Exhibit #24 Stonewall Gay Democratic Club News
Release, 7-10-88

The following exhibits were entered into
evidence by the Defense:

- Exhibit #25 OCC Complaint Findings of Alleged
Misconduct, Case 0489-88, 7-1-88
- Exhibit #26 Juvenile Court Action #113 079
filed 6-7-88, Notice of Motion for
a New Trial in the matter of Kali
Jason Smith
- Exhibit #27 Juvenile Court #113079 filed
6-7-88, Notice of Motion and Motion
for New Trial in the matter of Kali
Jason Smith
- Exhibit #28 Letter from Bruce Grosjean to
Inspector McCoy, 12-4-87
- Exhibit #28A Letter from Bruce Grosjean to Mayor
Dianne Feinstein, 12-6-87
- Exhibit #28B Memo from Mayor Feinstein to Chief
Frank Jordan, 12-14-87, Re:
Homicide Investigation
- Exhibit #28C Transmittal slip from Deputy Chief
Gurnett to Captain Tedesco, Re:
Inspector McCoy, Homicide
- Exhibit #28D Memo from Chief Jordan to Deputy
Chief Gurnett, 1-13-88, Subject:
Neighborhood Concerns

Exhibit #28E Ltr from Deputy Chief Gurnett to
Bruce Grosjean, 1-14-88

Exhibit #29 Chronological Report of
Investigation, Homicide Case
#871336939, 11-28-87

Exhibit #30 Letter from Director Michael
Langer, OCC, to Inspector Frank
McCoy, Re: OCC Case #0614-88,
10-14-88

Exhibit #31 Captain Tedesco's Calendar for
March 1988

The meeting was then adjourned to be continued
to a future date to be determined by the Defense and
Prosecuting Attorneys and the Police Commission for
a decision.

Recesses taken during the hearing on the taking
of evidence by Commissioner Keker in the appeal of
the Chief's suspension of Inspector Frank McCoy:

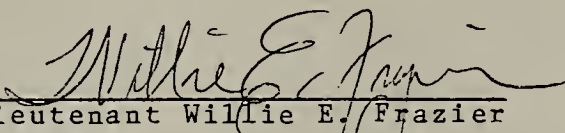
2:45 p.m. to 2:55 p.m.

4:37 p.m. to 4:44 p.m.

5:27 p.m. to 5:32 p.m.

(The entire proceedings were taken in shorthand form
by Mr. Clint Miller, Official Reporter, William E.
Henderscheid and Associates.

The meeting, thereafter, was adjourned at 6:25
p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
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JUNE 6, 1990

REGULAR MEETING

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 6, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

APPROVAL OF MINUTES OF MEETING OF MARCH 14, 1990

Approval of Minutes of Meeting of March 14, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 585-90

REVOCATION OF TAXICAB PERMIT #T-0729 ISSUED TO WING D. LEE, DUE TO DEATH OF THE PERMIT HOLDER

WHEREAS, the request of the Chief of Police for revocation of Taxicab Permit #T-0729 issued to Wing D. Lee was called, it having been set for this date; and

WHEREAS, the death of Wing D. Lee has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore, be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit #T-0729 issued to Wing D. Lee.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

POLICE COMMISSION REPORT

No Police Commission Report

(b) PUBLIC COMMENTS

Mr. Gerard Kosnovich, once again raised the issue of the October 6, 1989 Demonstration and the Chief's response thereto as he did last week and asked the Commission to conduct a full investigation into the matter. Mr. Kosnovich was advised that the OCC had completed an investigation of this incident and the matter probably will come before the Commission for hearing some time in the very near future. Based on that observation, Commissioner Keker said it would not be appropriate for the Commission to investigate a matter that would be coming before the Commission soon.

DOCUMENTS DEPT.

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Mr. Al Hall, Cab Drivers Association, spoke on Controller's Regulations and received clarifications on a Commission subpoena sent in regards to upcoming Public Convenience and Necessity Cab Hearings.

Mr. Ed Burke, Cab Drivers Association, presented a letter to the Commissioners in regards to the above matters. (Letter on file in Commission files)

Mr. Yossedek Desta said he would be presenting an orientation package to the new Commissioners who had no experience in PC&N Hearings. He then gave a brief historical view of the taxi industry from 1978 to present.

RESOLUTION NO. 584-90

STATUS ON HEARING OF POLICE OFFICER EMILY R. FIELDS, INGLESIDE STATION

WHEREAS, the date for the status report on the disciplinary charges filed against Police Officer Emily R. Fields, Ingleside Station, was called it having been continued from the meeting of May 9, 1990; and

WHEREAS, Ms. Colette Jolicoeur, Attorney at Law representing Officer Fields, announced that Officer Fields has had a death in the family and requested continuance for two weeks; therefore be it

RESOLVED, that the status on hearing of Officer Emily R. Fields is continued to Wednesday, June 20, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said at this time he wanted to commend the members of the Police Department for their excellent work in providing security for the Russian President Mikhail Gorbachev from the Soviet Union on Sunday and Monday of this week. He said it was exemplary from start to finish. Commissioner Keker said he also offers congratulations to the entire department as he felt they did a wonderful job. Commissioner Craig said she had the privilege of observing part of President Gorbachev's visit to the Fairmont and she was impressed by the smoothness of operation of the department and they are to be commended as it was very well done.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said several weeks ago in the 4th Quarter Statistical Report, they made a policy recommendation. He said it involves confiscated property by the Police Department and they are recommending that the City Attorney be consulted for the purpose of researching the feasibility of a procedure to make a uniform policy for the department in this regard. He said he would request that the Commission request the City Attorney to undertake this research and advise as to whether it can be done. Commissioner Keker said

that on behalf of the Commission he would ask Ms. Mara Rosales, Deputy City Attorney present here tonight to discuss this with Mr. Langer and prepare the necessary opinion to bring back before the Commission for consideration.

REQUEST FROM THE DIRECTOR, OFFICE OF CITIZEN COMPLAINTS, TO THE POLICE COMMISSION TO APPROVE AN OCC INFORMATION CARD

After listening to discussion from the Commission as to person(s), upon completion of this card filing they have filed a complaint, which is not the intent, Mr. Langer said he would request that this be recalendared for next week and a revised card be brought bact for Commission consideration. It was then continued on motion of Commissioner Craig, second by Commissioner Campana, unanimously approved to June 13, 1990.

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #753 ISSUED TO JOSEPH WOOTTON

Ms. Rosen, Mr. Wootton's attorney, said that Officer Flanders was unable to be here tonight so she and her client would request a continuance to July 11. Sergeant Manini, Taxi Detail, said they had no objection as Officer Flanders is still on disability and not expected to return until June 25, 1990. It was moved and seconded and approved for calendar of July 11, 1990.

RESOLUTION NO. 581-90

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #753 ISSUED TO JOSEPH WOOTTON

WHEREAS, the request of the Chief of Police for a hearing on complaint for revocation of Taxicab Permit #753 issued to Joseph Wootton was called, it having been continued from the meeting of May 16, 1990; and

WHEREAS, it was requested by Sergeant Gary Manini, Taxi Detail, that the hearing on revocation of Taxicab Permit #753 held by Joseph Wootton be continued to July 11, 1990, since Officer Linda Flanders, who was investigating the case, has not yet returned; therefore be it

RESOLVED, that the hearing on revocation of Taxicab Permit #753 held by Joseph Wootton is continued to Wednesday, July 11, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

PUBLIC HEARING ON REVISION OF DEPARTMENT GENERAL ORDER B-3, "EQUIPMENT"

Deputy Chief Frank Reed addressed the Commission on this matter and summarized the contents of the General Order. The Commission after also listening

to Sergeant Donald Blaine, the SFPD Range Master, and having their questions answered, it was moved and seconded and unanimously approved for adoption.

RESOLUTION NO. 578-90

REVISION OF DEPARTMENT GENERAL ORDER B-3, "EQUIPMENT"

RESOLVED, that the Police Commission hereby approves the proposed revision to General Order B-3, "Equipment".

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioner Giraudo, Lee

In another matter related to the Chief's Report, Deputy Chief Reed summarized for the Commission the issue of officers expressing their concerns about having to spend long periods of time in specific areas such as the SF General Hospital and with arrested juveniles at YGC (Youth Guidance Center). After listening to Deputy Chief Reed and Chief Jordan, Commissioner Keker asked the Chief to come back to the Commission with a recommendation on a Resolution. Chief Jordan said he would continue to explore this with all parties involved and give the Commission the recommendations for the appropriate department he believed to be assigned to handle the problem.

REQUEST OF THE ASSISTANT CHIEF OF POLICE FOR
IMMEDIATE FILLING OF VACATED POSITION OF 0488
COMMANDER OF POLICE

Chief Jordan announced the appointment of Thomas Murphy to the position of Commander in the SFPD and said an official Swearing-In Ceremony would be held in the Commission Hearing Room on Monday, June 11, 1990 and everyone is invited to attend. Commissioner Craig said she would move adoption of the Resolution for the approval of the immediate filling of the vacated position. Commissioner Campana seconded and it was unanimously approved and adopted.

RESOLUTION NO. 579-90

REQUEST OF THE ASSISTANT CHIEF OF POLICE FOR
IMMEDIATE FILLING OF VACATED POSITION 0488 COMMANDER
OF POLICE

WHEREAS, one 0488 Commander of Police position has become vacant from the San Francisco Police Department, and

WHEREAS, the vacancy, due to death, leaves a severe gap in the upper management of the San Francisco Police Department, and

WHEREAS, to permanently fill the position before the accumulated sick leave and vacation time have been paid requires a resolution of the Board of Supervisors, and

WHEREAS, this procedure is authorized by the Annual Appropriation Ordinance, Section 10, Subsection 1, and

WHEREAS, without the approval of the Board of Supervisors, this position could not be filled permanently until October 4, 1990, and

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure; therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the General Manager, Personnel of the Civil Service, recommend to the Board of Supervisors the adoption of the attached resolution, and be it further

RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached resolution authorizing the immediate filling of the vacated position of 0488 Commander of Police.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

RESOLUTION NO. 580-90

HEARING ON CONTROLLER'S PROPOSED REGULATIONS FOR
MOTOR VEHICLE FOR HIRE PERMITTEES FINANCIAL
INFORMATION AND RECORDS

RESOLVED, that the Controller's proposed regulations for Motor Vehicle for Hire permittees financial information and records is continued off calendar.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

RESOLUTION NO. 582-90

HEARING ON ROUTE APPROVAL FOR EDMUND JUNG'S
MOTORIZED RICKSHAWS

WHEREAS, the request of the Chief of Police for a hearing on the route approval for Edmund Jung's motorized rickshaws was called, it having been set for this date; therefore be it

RESOLVED, that it is the findings and decision of the Police Commission that the routes for his motorized rickshaws submitted by Edmund Jung is hereby approved with the following stipulations:

1. That Mr. Jung not apply for a suspension during the months of June, July, August and September, and that he terminate operation for the year any time during the month of September, providing he gives the Taxicab Section written notice of intent to terminate a minimum of five days in advance of the termination date.
2. That Mr. Jung shall have valid insurance on file with the Taxicab Section prior to operation and that this insurance be pre-approved by the City's Risk Manager.
3. That Mr. Jung be reminded by the Police Commission that the filling out and keeping of way bills is mandatory. Failure to file these way bills shall be grounds for revocation.

4. That Mr. Jung be required to be a full time owner/operator as prescribed by Section 1081.6.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

POLICE COMMISSION DISCUSSION ON THE SFPD'S CROWD CONTROL MANUAL AS AMENDED BY THE MAYOR'S TASK FORCE

Commissioner Keker announced that all Commissioners had received and read the Mayor's Task Force, addressed the Commission on the subject and said that all of the issues in this manual are the direct product of what they (ACLU, CUAV, NLG) started almost two (2) years ago with a number of hearings before the Commission. He said this will be the first time that there will be a thorough manual available to every member of the department and also a public record. He said this process speaks very well for the department and the Commission and everyone on the Committee should be congratulated for their efforts. At the request of Commissioner Craig, Mr. Crew summarized the process the Committee utilized in developing this final product. Deputy Chief Fred Lau also pointed out changes made and adopted for the new manual as opposed to what was in the old. After further discussion from Deputy Chief Lau and between the Commissioners, Commissioner Craig said she would move for adoption with the provision that the Commission will have a chance to review and make changes after reviewing it in approximately six (6) months. Commissioner Campana seconded and it was unanimously approved and adopted.

RESOLUTION NO. 583-90

SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL MANUAL AS AMENDED BY THE MAYOR'S TASK FORCE

RESOLVED, that the San Francisco Police Department Crowd Control Manual as amended by the Mayor's Task Force is hereby approved, with the provision that the Commission will have a chance to review and make changes after reviewing it in approximately six months.

AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

HEARING OF POLICE OFFICER JAMES T. RAMSEY, PLANNING SECTION

The hearing of the disciplinary charges filed against Police Officer James T. Ramsey, Planning Section, was called it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer James T. Ramsey appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Casimir Wilson for the Defense. Mr. Wilson made a plea of guilty to Specification No. 2 but denied the charges in Specification No. 1 on behalf of Officer Ramsey.

The following witness was called by the Prosecution, was sworn and testified:

Michele Penelope Pincis, 345 - 5th Street,
San Francisco, CA

The following exhibits were entered into evidence by the Prosecution:

- Exhibit #1 3'x2' Diagram of 6th and Howard Streets
- Exhibit #2 Cassette tape of interview of Mr. Dana Woods by OCC Investigator Diana Christensen, 10/20/88
- Exhibit #2A Transcription of tape of OCC Interview of Mr. Dana Woods, 10/20/88
- Exhibit #3 Photocopy of arrest record of Mr. Troy Geyer
- Exhibit #4A 4x5 Color photo of Mr. Geyer's right thigh, just above the knee
- Exhibit #4B 4x5 Color photo of Mr. Geyer's left thigh, just above the knee
- Exhibit #4C 4x5 Color photo showing Mr. Geyer's right shoulder and arm
- Exhibit #4D 4x5 Color photo showing face of Mr. Geyer
- Exhibit #4E 4x5 Color photo showing left shoulder of Mr. Geyer

The following witnesses were called by the Defense, were sworn and testified:

Officer Gary Castel, Company C
Sergeant William Davenport, Company C
Officer James Ramsey, Planning Division

The following exhibits were entered into evidence by the Defense:

- Exhibit A Taped interview of Mr. Troy Geyer by Diane Christensen, OCC 1133-88
- Exhibit B Declaration of Chuck J. Perzyk, File C89-300 MEG

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1, specifically paragraphs (6) and (7), is not sustained and Specification No. 2 is sustained.

The hearing was then continued to Wednesday, June 13, 1990, for the Chief's recommendation on the penalty and a decision by the Police Commission.

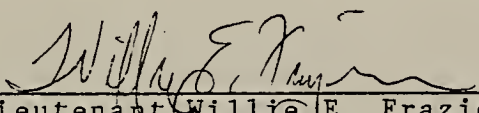
AYES: Commissioners Campana, Craig, Keker
ABSENT: Commissioners Giraudo, Lee

Recess taken during the hearing of Officer Ramsey:

10:34 p.m. to 10:45 p.m.

(The entire proceedings were taken in shorthand form by Mr. Clint Miller, Official Reporter, William E. Henderscheid and Associates.)

The Commission, thereafter, observed a moment of silence on behalf of former Police Chaplain, Rabbi Joseph Asher and Retired Police Officer Ernie Provost and adjourned at 11:10 p.m. in their memory.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JUNE 13, 1990

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, June 13, 1990 at 4:30 p.m. in a Special Meeting.

DOCUMENTS DEPT.

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COMMITTEE OF TWO
COMMISSIONERS GIRAUDO AND KEKER

San Francisco Charter Section 8.343 for Discussion

JUNE 13, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 13, 1990 at 5:00 p.m. in Closed Session.

1. Attorney-Client Conference

Gary Sicabaig vs. Sylvia Bunshoft against the City and County of San Francisco

JUNE 13, 1990

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 13, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Giraudo, Kekker, Lee

Approval of Minutes of Meeting of March 21, March 28, April 4 and April 11, 1990, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 591-90

POLICE COMMISSION APPROVAL TO ACCEPT A DONATION OF A 30' WINNEBAGO MOTOR HOME FROM THE RONALD McDONALD CHARITABLE TRUST VALUED AT \$37,519.55 FOR USE AS THE SFPD's PAL MOBILE

WHEREAS, the San Francisco Police Department is in need of a Mobile Home to be used as the PAL Mobile for neighborhood activities and distribution of anti-drug information, and

WHEREAS, the Ronald McDonald Charitable Trust has generously offered to donate a 1985 Winnebago Mobile Home valued at \$37,519.55 to the San Francisco Police Department to be used as the PAL Mobile, and

WHEREAS, it is necessary to obtain permission from the Board of Supervisors via a resolution in order to accept gifts to the Police Department which have a value of over \$5,000; now, therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to adopt the attached resolution of the Board of Supervisors which will grant to the Police Department the authority to accept the gift of a 1985 Winnebago Mobile Home valued at \$37,519.55 from the Ronald McDonald Charitable Trust for use as the Police Department's PAL Mobile.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 592-90

GARY SICABAIG vs. SYLVIA BUNSHOFT AND RELATED CROSS-COMPLAINT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvia Bunshoft in the sum of \$7,500.00 in Superior Court No. 855-239 entitled "Gary Sicabaig vs. Sylvia Bunshoft" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 14, 1986

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on a litigation matter with the City Attorney and no vote was taken. He said there were also Commission Committee meeting this evening on policy matters and no vote was taken there either. ✓

(a) MOTION ON CALENDARING NEW MATTERS

Commissioner Keker said that Supervisor Terrence Hallinan of the Board of Supervisors has introduced a Charter Amendment which would amend the Charter to allow the Police Commission and the Fire Commission to refer disciplinary cases to a Hearing Officer. He said it would not mandate them to do so but give them the discretion to do it. He said he would ask that it be calendared for next week's meeting so that the Police Commission could consider whether or not it would want to take a position on it. As this was a motion it was seconded by Commissioner Campana and unanimously approved for next week's calendar for discussion.

(b) PUBLIC COMMENTS

The following persons came forth and addressed the Commission on a variety of subjects: Emperor Arcadia, complained about the medical profession and its treatments. Debra Gold, SF ACT-UP, concerns about incidents that happened since this past Friday regarding Police Officer Delagnes' comment and comments by the President of the SFPOA and the

campaign the SFPD has carried on against ACT-UP which is a disinformation campaign.

Brian Bringardner, speaking on behalf of ASAP, said he was calling on the Police Commission to denounce the recent statement that Police Officers Gary Delagnes and Michael Keys have made concerning the upcoming ACT-UP Demonstration during the international AIDS Conference.

Unidentified speaker said he was here for one reason tonight and that was for some assurance from the Police Commission that there will not be violence perpetrated against ACT-UP demonstrators next week.

Ed Dwyer, ASAP, said after watching last Friday night's Channel 20 news, ASAP has decided to monitor the demonstration.

Tom Osher, member of Food not Bombs and ASAP, wanted Police Commission's response to newspaper article written by Chronicle reporter Bill Wallace on May 29th and 30th.

Jackie Borschack, ACT-UP, said five people have spoken tonight from ACT-UP and made specific request which she wanted the Police Commission to respond to particularly the reassurance that firearms would not be used at the 6th International Conference on AIDS next week.

Commissioner Giraudo in his response said that the comments that were allegedly made by the officer, if they were made, and as they were reported to him were patently absurd comments. He continued by saying that no one from this administration would support those comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan responded to some of the comments in the Public Forum and to some of the Commissioners concerns. He said the first issue of Police Officer Gary Delagnes going on TV and making a statement in answer to a question about the AIDS Conference Demonstration, that if someone were to, by whatever meant, have contaminated blood and throw it at police officers, what would he do and the stated question was based on a rumor and shouldn't have never been responded to in the manner that it was. The Chief said Officer Delagnes statement was that he wouldn't say that he would shoot but he wouldn't say that he wouldn't shoot either. The Chief said the officer should never have made that statement. He said also the President of the POA, making a comment that he feels that they may have to go outside of the Crowd Control Manual which is the state of the art as it stands right now and is one that every police officer has been issued and one that every police officer will follow right to the letter of that manual was also inflammatory. He said he is looking into both of the allegations and the statements that were made on Channel 20 by these officers to see if this represents some sort of conduct that reflects discredit upon the police department. He said he could assure the citizens of San Francisco that the Police Department is going to be extremely professional and the Department's

major primary role will be three (3) items: 1, to provide a safe environment for everyone who is going to participate, 2, maintain the peace within reason as well as they possibly can with all of the information they have, and 3, they will certainly see to it that the First Amendment Rights of everyone will not be violated. He then had Deputy Chief Lau speak.

Deputy Chief Lau said in light of anticipated actions on the part of the demonstrators the department scheduled a whole series of training and open communications with the people who are going to be involved. After further discussion, he called upon Officer Lee Militello, Police Department's liaison to the Gay and Lesbian Community who said that she has met with just about every community based organization surrounding this conference. She said she feels that everyone can look forward to actions taken of a very professional police department and to a very good week of the conference. Another speaker was Sergeant Woodrew Tennant, one of the first appointed openly gay officers and author of the Department's Infectious Disease Guidelines and Training Bulletins, who said that he had had discussions with Mr. Crew of the ACLU and Mr. Langer of the OCC and all of the other people that he has had the chance to speak with and he was especially pleased to see that they all felt that what was important was to protect the rights of ACT-UP and to allow them to further their efforts without anyone, officer, demonstrators, civilians, public or anyone else being injured in the process. Commander Tom Murphy then addressed the Commission and said that he would be the Event Commander for the events happening in the Central and Southern Districts and no matter where they may occur the Commission can rest assure that they will be adequately staffed and adequately carried out in strict accordance with the policies that the Commission adopted.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC said he just wanted to report that the OCC Staff has put in a considerable amount of time in planning their response to the conference. He said he just wanted to commend his administrative staff and many of their investigators who have spent an extensive amount of time planning for this event. He said he would also like to thank the Police Department for the excellent cooperation they received from Deputy Chief Lau and Commander Tom Murphy.

REQUEST OF THE DIRECTOR, OFFICE OF CITIZEN COMPLAINTS, TO THE POLICE COMMISSION TO APPROVE AN OCC INFORMATION CARD

Mr. Langer said the OCC incorporated the two changes that were recommended last week. He said if it is approved it will be printed tomorrow and made available to their Investigative Staff for the conference next week.

Mr. John Crew, ACLU, said they feel this is a very good tool for the OCC to do its job in accomplishing adequate evidence and he would hope that the Commission approve it.

Commissioner Keker said he would move approval, Commissioner Craig seconded and it was unanimously approved for adoption.

RESOLUTION NO. 587-90

COMMISSION APPROVAL AND REQUEST TO THE BOARD OF SUPERVISORS FOR A HOLD HARMLESS AGREEMENT ON USE OF THE U.S. FEDERAL PROTECTION SERVICE INDOOR RANGE AT 630 SANSOME STREET BY THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, the U.S. Protection Service has offered to the San Francisco Police Department the use of their indoor range at 630 Sansome Street, San Francisco; and

WHEREAS, in order to use said range a hold harmless agreement must be executed between the Federal Protection Service and the Police Department; and

WHEREAS, permission to execute such an agreement must be received from the Board of Supervisors; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors of the City and County of San Francisco to adopt the attached draft resolution which will allow the Police Department to execute a hold harmless agreement with the U.S. Federal Protection Service for use of their indoor range at 630 Sansome Street, San Francisco, CA.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

RESOLUTION NO. 588-90

APPROVAL OF A GRANT IN THE AMOUNT OF \$74,622 FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE SENIOR ESCORT PROGRAM

WHEREAS, the Chief of Police and the Senior Escort Program desires to undertake a project designated "Senior Escort Patrol" to be funded in part from funds made available through the California Community Crime Resistance Program administered by the Office of Criminal Justice Planning (hereafter referred to as OCJP); therefore be it

RESOLVED, that the Chief of Police of the City and County of San Francisco is authorized on its behalf to submit the attached proposal to OCJP and is authorized to execute on behalf of the San Francisco Police Commission the attached Grant Award Agreement, including any extensions or amendments thereof; be it further

RESOLVED, that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required.

IT IS AGREED, that any liabilities arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability; be it further

RESOLVED, that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

AYES: Commissioners Campana, Craig, Giraudo, Keker, Lee

HEARING OF POLICE OFFICER JAMES T. RAMSEY, PLANNING SECTION

The hearing of the disciplinary charges filed against Police Officer James T. Ramsey, Planning Section, was called it having been continued from the meeting of June 6, 1990, for the Chief's recommendation on the penalty and a decision by the Police Commission. Officer James T. Ramsey was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer James T. Ramsey appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

It is the recommendation of the Chief of Police that Officer Ramsey be given twenty (20) days suspension.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 589-90

DECISION - HEARING OF OFFICER JAMES T. RAMSEY, PLANNING SECTION

WHEREAS, on October 27, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Officer James T. Ramsey, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

- (1) At all times herein mentioned, James T. Ramsey, Star No. 924 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department. The accused is assigned to the Patrol Bureau - Southern Station;
- (2) As a police officer, the accused is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On or about October 4, 1988, at approximately 2030 hours, the accused and Officer Gary Castel, Star No. 2082, were assigned to operate the wagon for the Southern District;
- (4) On or about October 4, 1988, at approximately 2030 hours, the accused and Officer Castel responded to 6th and Howard Streets;
- (5) On or about October 4, 1988, at approximately 2045 hours, two citizens who were driving by the area observed the accused raise his baton above his head and strike a male citizen approximately three (3) times as the citizen was laying on the ground in a fetal position. The citizen who was struck by the accused did not offer any resistance;
- (6) Section VIII.B.4 of General Order F-4 of the San Francisco Police Department regarding the use of the baton to accomplish custody sets forth in pertinent part that "the baton should normally never be raised above the head to strike a blow."
- (7) The accused, by raising his baton above his head to strike a citizen approximately three (3) times as the citizen was laying on the ground in a fetal position and not offering any resistance, has used unnecessary force during the arrest of this citizen, which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

- (8) The allegations contained in Specification No. 1, paragraphs (1) through (7), are incorporated by reference as if fully set forth herein;
- (9) On or about October 4, 1988, at approximately 2045 hours, at 6th and Howard Streets, the accused struck a citizen approximately three (3) times with his baton as the citizen was laying on the ground in a fetal position;
- (10) The accused did not make a report that he had struck a citizen with his baton while attempting to arrest the citizen on or about October 4, 1988, at approximately 2045 hours, at 6th and Howard Streets;
- (11) The accused, by failing to make a report that he had struck a citizen with his baton while making an arrest on or about October 4, 1988, at approximately 2045 hours, has engaged in conduct which constitutes a violation of Section XII.A and XII.B of General Order F-4 of the San Francisco Police Department, which states:

"XII. REPORTING THE USE OF FORCE

- A. Officers must report the use of the following types of force.
 - 1. Physical strength when injury to the suspect results.
 - 2. Liquid chemical agent (mace).
 - 3. The Department issued baton when the suspect is struck.
 - 4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.
 - 5. Carotid restraint
- B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report.
 - 1. The type of force used (e.g. mace, struck with fist).
 - 2. A brief statement of the reason for the use of force (e.g. subject resisted arrest)..."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 6, 1990 and Wednesday, June 13, 1990, and on Wednesday, June 13, 1990, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer James T. Ramsey are not sustained; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 2 as preferred by the Chief of Police against Police Officer James T. Ramsey are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 2

Twenty (20) days suspension

and be it further

RESOLVED, that the twenty (20) calendar days suspension shall commence on Saturday, June 30, 1990 at 0001 hours and end Thursday, July 19, 1990 at 2400 hours.

AYES: Commissioners Campana, Craig, Keker
NOT VOTING: Commissioners Giraudo, Lee

Recess taken during the hearing of Officer Ramsey:

7:00 p.m. to 7:08 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER MANOLETE ORTEGA, POTRERO STATION

The hearing on the appeal of the Chief's suspension was called, it having been continued from the Procedural Hearing conducted by Commissioner Keker on May 14, 1990, for a decision by the Commission.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Manolete Ortega appeared in person and was represented by Mr. Clifton Jeffers for the Defense.

Closing statements were made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 590-90

DECISION IN THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER MANOLETE ORTEGA

WHEREAS, a Procedural Hearing on said appeal was held before Police Commissioner John W. Keker pursuant to Section 8.343 of the Charter of the City

and County of San Francisco on Monday, May 14, 1990,
and the matter was submitted to the Police
Commission for decision on June 13, 1990; and

WHEREAS, the Commission finds that the Chief's
suspension imposed on Officer Manolete Ortega,
Potrero Station, was sustained by a preponderance of
evidence presented; therefore be it

RESOLVED, that it is the findings and decision
of the Commission that the Chief's suspension of
three (3) days imposed on Officer Manolete Ortega
be, and the same is hereby sustained.

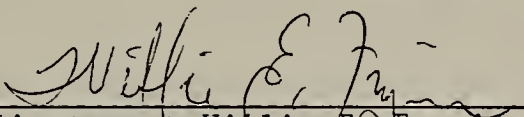
AYES: Commissioners Campana, Craig, Giraudo, Keker,
Lee

Recess taken during the hearing on the appeal of
the Chief's suspension of Officer Manolete Ortega:

7:27 p.m. to 7:35 p.m.

(The entire proceedings were taken in shorthand form
by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 7:40
p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5740M

[MINUTES]

JUNE 20, 1990

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, June 20, 1990 at 5:00 p.m. in Closed Session.

Personnel Matter

Evaluation of Performance

DOCUMENTS DEPT.

AUG 1 1990

JUNE 20, 1990

REGULAR MEETING

PUBLIC LIBRARY

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, June 20, 1990 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

Approval of Minutes of Meeting of April 18, April 25, May 2, Special Meeting of May and Meeting of May 9, 1990, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Keker announced that the Police Commission had met in Executive Session on a Personnel Matter and no vote was taken.

(a) MOTION ON CALENDARING OF NEW MATTERS

Commissioner Keker advised that the Intelligence Guidelines Policy currently being worked on should be calendared no sooner than July 18, 1990 or shortly thereafter. Commissioner Craig mentioned getting mere briefs of the Sergeant and Inspectors Promotional Progress and requested a report under the Chief's Report on the matter be calendared for July 11.

(b) PUBLIC COMMENTS

Mr. John Crew, ACLU, said the Intelligence issue just spoken of will certainly be awhile from their point of view, before completion. He said the other item they were concerned about is Captain Cairns, who has filed a Civil Suit against OCC in regards to the October 6, 1989, ACT-UP Demonstration and of his giving to the OCC, under a limited waiver of confidentiality rights, information of an allegedly injured citizen at that incident. He said they did not think that because a senior staff member of the department had breeched confidentiality that the department should be abolished or it is necessarily a firing offense against Captain Cairns or that a Criminal Grand Jury is necessary but they do think under very similar circumstances that concern about the confidentiality of civilians should be a priority of the Police Commission, Department and the OCC. He said the ACLU will be watching closely to see how this situation is handled.

Mr. Keith McHenry, Food not Bombs, said one of the last hurdles they have faced in getting permits involved suing the city of San Francisco for millions of dollars to force the city into giving permits to serve free food at protest on city streets. He said the way the system is set they would have to pay at least 750 dollars for the permits to give away free food on each occasion. He said they were asking for a different kind of permit that would exempt them from the current one. He then spoke of his arrests and SFPD policies against activists as being politically motivated and a waste of police time that should be used in actual crime fighting. He said the police are trying to prove that non-violent activist are actually violent which is not true.

CHIEF'S REPORT TO THE POLICE COMMISSION

Assistant Chief Casey said that Chief Jordan was out observing the activities at the AIDS Conference and therefore there would be no Chief's report tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Langer said at one of their staff meetings last week the issue was raised as to what would be the appropriate OCC action if they observed misconduct at a demonstration that was not reported to them. He said as a result of that he worked out a procedure with the SFPD and finalized it with the Chief and over the weekend he wrote a Special Order covering it. He said Assistant Chief Casey suggested that they use this on a trial basis during the conference and it expires on June 25, 1990. He said if it works out and is successful he would transfer it to a General Order format and bring it before the Commission for public hearing and subsequent adoption.

RESOLUTION NO. 594-90

HEARING OF POLICE OFFICER WILLIAM S. TAYLOR, PERSONNEL DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been set for this date; and

WHEREAS, it was requested by Ms. Carole Seliger, Attorney at Law representing Officer Taylor, that the date for the hearing of disciplinary charges filed against Officer Taylor be continued to August 8, 1990; therefore be it

RESOLVED, that the date for the hearing of Officer William S. Taylor is continued to Wednesday, August 8, 1990 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

POLICE COMMISSION DISCUSSION AND POSITION ON
PROPOSED AMENDMENT TO CHARTER SECTION 8.343 TO ALLOW
THE POLICE OR FIRE COMMISSION TO REFER DISCIPLINARY
CASES TO A HEARING OFFICER

The Commissioners, after discussing the matter between themselves, receiving an overview of the amendment from Deputy City Attorney Mara Rosales and hearing from public speakers: Mr. John Crew of the ACLU, who felt it was open ended and dangerous and that it should not go forward but be taken off the ballot; Mr. Terry Evans, Sunset District Resident; Ms. Mary Vail, Bar Association who felt the amendment would handicap the Commission in addressing its many other problems; Mr. Frederick Millen who said he was in favor of the amendment and Mr. Frank Del Campo, from Local 790, entertained the following motion made by Police Commissioner Pius Lee. Commissioner Keker, in repeating the motion, said there has been a motion by Commissioner Lee to send a letter to Supervisor Hallinan advising him that the Commission has discussed the matter and do not think this is the time for it, however, the problem does need to be addressed but the Commission needs to work on it some more and that the November Ballot is too soon and request that he withdraw the amendment from the ballot at that time but leave it open for the future in that the Police Commission could have their current taking of evidence procedure by one Commissioner which is undergoing a six-month trial process and evaluation and thereafter this amendment with some revision could be considered for the June Ballot of 1991. Commissioner Campana seconded and it was unanimously approved.

RESOLUTION NO. 593-90

APPROVAL OF REVISED RECORDS DESTRUCTION SCHEDULE

WHEREAS, the Equal Employment Opportunity Unit of the San Francisco Police Department is without a records destruction schedule; and

WHEREAS, the Warrant Unit in the Support Services Division does not make use of the copies of the Traffic Recall Court Calendar after one week; and

WHEREAS, the original Traffic Recall Court Calendar is kept on file at Traffic Fines; therefore be it

RESOLVED, that the Police Commission hereby approves the revised Records Destruction Schedule by adding the attached Equal Employment Opportunity Unit Schedule on page 34 and changing the retention time of the Traffic Recall Court Calendar on page 20 from two (2) years to one (1) month.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

STATUS ON HEARING OF OFFICER EMILY R. FIELDS,
WARRANTS UNIT

The status report on the disciplinary charges filed against Police Officer Emily R. Fields, Warrants, was called it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Emily R. Fields appeared in person and was represented by Ms. Colette Jolicoeur, Attorney at Law.

Opening statements were made by Mr. Jerry Akins for the Prosecution, and by Ms. Colette Jolicoeur for the Defense.

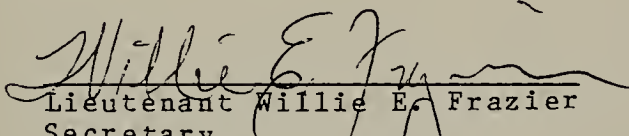
It was the decision of the Police Commission that Officer Fields be given sixty (60) days to lose 15 pounds.

The status report on Officer Fields is therefore continued to Wednesday, August 22, 1990, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Campana, Craig, Keker, Lee
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Carol Karen, Henderscheid and Associates)

The meeting, thereafter, was adjourned at 7:15 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/5741M

